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General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 28 November 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you as follows:

On 12 November 2001 Israeli military aircraft overflew the South and Damur areas at high and medium altitudes, thus violating Lebanese airspace.

Between 1003 and 1224 hours on 13 November 2001 Israeli military aircraft overflew the area of operation of the United Nations Interim Force in Lebanon (UNIFIL) at high altitudes. Between 1145 and 1200 they overflew the Sarafand, Sidon, Beirut and Shikka areas at high and medium altitudes, thus violating Lebanese airspace.

Between 1021 and 1140 hours on 14 November 2001 two Israeli military aircraft overflew the sea off Shikka, circling over the Shikka area. One military aircraft then returned and from 1935 to 2225 hours overflew the town of Naqurah heading north and circled over the coast between Tyre and Na'imah, thus violating Lebanese airspace.

Between 1145 and 1200 hours on 15 November 2001 an Israeli military aircraft overflew Naqurah heading towards Beirut, thus violating Lebanese airspace.

Between 1100 and 1120 hours on 16 November 2001 four Israeli military aircraft overflew the sea heading towards Shikka, thus violating Lebanese airspace.

Between 1125 and 1158 hours on 18 November 2001 two Israeli military aircraft overflew the sea west of Naqurah at a distance of five miles from the coast heading north and circled between Beirut and Shikka, breaking the sound barrier, thus violating Lebanese airspace.

Between 1136 and 1156 hours on the same day Israeli military aircraft overflew the UNIFIL area of operation in the South, thus violating Lebanese airspace.

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Between 1000 and 1105 hours on 19 November 2001 two Israeli military aircraft overflew the Bint Jubayl area heading north and circled over the Shikka and Beirut areas, the mountains and the South. Two aircraft also overflew the Shab'a area heading north, breaking the sound barrier, thus violating Lebanese airspace.

Between 1756 and 1757 hours on 20 November 2001 an Israeli military aircraft overflew the UNIFIL area of operation, thus violating Lebanese airspace.

The Israeli aerial violations indicated above confirm that Israel is continuing to provoke and commit aggression against Lebanon. They are in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty, and they pose a threat to security and stability in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmouri**
Ambassador
Permanent Representative

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 27 November 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest act of Palestinian terrorism directed against Israel.

This morning, at approximately 11.30 a.m. (local time), Palestinian terrorists disembarked from a stolen Israeli vehicle in the centre of the northern Israeli city of Afula and opened fire indiscriminately with automatic weapons near a market crowded with pedestrians. Two Israelis — Michal Mor, age 25, and Noam Gozovsky, age 23 — were killed in the hail of automatic gunfire, and more than 50 others were injured, 10 of them seriously.

Today's attack represents the latest incident in the continuing campaign of Palestinian terrorism directed against Israeli civilians. Previous attacks have been detailed in my letters dated 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-

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S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

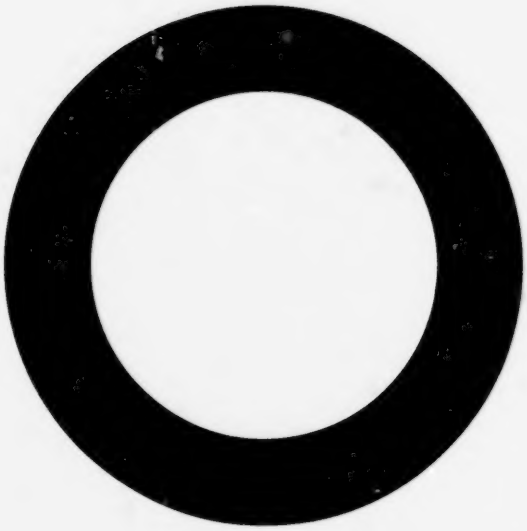
In a statement faxed to the Reuters news agency, both Islamic Jihad and the Al-Aqsa Martyrs Brigade claimed responsibility for the attack. It should be noted that Islamic Jihad has its headquarters in Damascus and receives financial assistance from Iran and logistic assistance from Syria, while the Al-Aqsa Martyrs Brigade is closely associated with Palestinian Authority Chairman Yassir Arafat's own Fatah faction. The statement's reference to a "joint operation" and a "unified struggle" underscores the depth of cooperation between forces tied to the Palestinian Authority and other violent terrorist organizations.

Moreover, this attack comes on the same day as renewed efforts got under way to achieve a ceasefire between the sides and as Israeli troops completed their redeployments from Palestinian areas. Efforts to restore calm to the region will be doomed at the outset so long as the Palestinian leadership continues to avoid taking the action necessary to control terror.

Such a situation is particularly intolerable at a time when the world is uniting to combat the common threat of terrorism. The key to the success of this campaign will be the exertion of maximum international pressure on all States and entities that support terrorism, or are actively engaged in terrorist operations, to ensure their compliance with international law.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative



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General Assembly
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Agenda item 74 (p)
General and complete disarmament: conventional arms control at the regional and subregional levels

Security Council
Fifty-sixth year

Letter dated 28 November 2001 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

I have the honour to transmit a copy of the statement of the Ministry of Foreign Affairs of Georgia concerning the bombing of the territory of Georgia on 27 November 2001 by the military air forces of the Russian Federation (see annex).

I should be grateful if this letter and its annex would be circulated as a document of the General Assembly, under agenda item 74 (p), and of the Security Council.

(*Signed*) Peter **Chkheidze**
Ambassador
Permanent Representative

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Annex to the letter dated 28 November 2001 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of Georgia

On 27 November 2001, at 2120 p.m., six Su-25 type military jets of the Russian Federation violated Georgian airspace and bombed territory adjacent to the village of Birkani, in the Akmeta district of Georgia. The jets penetrated Georgian airspace for 50 kilometres and remained in the area for about 30 minutes. The same night, Russian military helicopters conducted several air strikes on Georgian territory near the Chechnia and Ingushetia segments of the Georgian-Russian State border, including the outskirts of the villages of Terga, Arkhti, Kue, Zemo Omalo, Akhieli and Amgha. The data on the human loss and property damage caused by these air strikes will be compiled subsequently.

Today, at 12.35 p.m., two Su-25 type military jets of the Russian Federation repeatedly violated Georgian airspace. The jets flew over Kodori gorge and retreated back to Russian airspace.

Such actions of the Russian military air forces can only be characterized as undisguised aggression against a sovereign neighbouring State.

At the same time, what is especially alarming is that the above actions were carried out on the threshold of the Summit of the Commonwealth of Independent States in Moscow and the planned meeting between the Presidents of Georgia and the Russian Federation. We cannot exclude that the above-mentioned actions are attempts of the destructive forces aimed against a possible positive outcome of the presidential meeting.

It is the view of the Georgian side that the above-mentioned actions became possible as a result of the disdain with which were met the numerous Georgian protests against the encroachment of Georgia's sovereignty by the Russian political leadership. The outcome of these acts conducted by the Russian side, if not suppressed in a timely manner, can only deepen the instability of the Caucasus region. One must not turn a blind eye to such threats. The international community must raise its voice against the coarse violation of internationally accepted basic principles of peaceful coexistence.

The Ministry of Foreign Affairs of Georgia expresses its utmost resentment and, in appealing to the Russian leadership, categorically demands the cessation of the repeated acts of aggression against Georgia.

Henceforth, if these kinds of actions continue, Georgia reserves the right to take adequate steps provided by the norms of international law.

Tbilisi, 28 November 2001

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Fifty-sixth session
Agenda item 131
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2002-2003

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the proposed budget for the biennium 2002-2003 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/56/495 and Add.1) and the financial performance of the Tribunal for the period from 1 January to 31 December 2000 (A/56/501). During its consideration of the reports, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. According to the Secretary-General, the proposal for the biennium 2002-2003 "is a direct consequence of Security Council resolution 1329 (2000) and General Assembly resolution 55/225 B" (A/56/495, para. 6). It would provide for an increase in court session capacity by 20 per cent to support the accelerating programme of work of the Court. It also reflects changes in the organization and management of the Tribunal as a result of amendments to the Rules of Procedure and Evidence. In paragraph 6 of the report it is stated that "the Office of the Prosecutor expects to finalize all investigations by 2004 and to complete its first instance trials by 2008, as opposed to 2017". However, the information on completion dates in paragraph 6 of the budget report is not clear to the Committee, particularly when compared to previous forecasts (see also A/55/642, para. 11).

3. **On the basis of testimony and information provided, it is the view of the Advisory Committee that there does not appear to be a realistically achievable exit strategy for the completion of the work of the Tribunal.** For example, as indicated in the report of the Committee of 22 November 2000 (A/55/642, para. 8), it had been the intention of the Tribunal in 2001 to reduce the time detainees spent in detention awaiting trial, during trial and appeal. Upon enquiry, the Committee was not given clear information on the achievement of this goal. The Committee also draws attention to its comments in paragraph 12 of the same report, where the Committee

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cautioned "that it would be difficult to focus on a specific date to complete the mandate of the Tribunal until it is known when investigations would be completed and what would be the final number of detainees awaiting trial". In this connection, the Committee was informed that 36 indicted fugitives were at large awaiting arrest and subsequent trial. There were 26 more investigations that could lead to a possible indictment of 18 suspects by the end of 2004. Moreover, the Committee points out that the completion of the work of the Tribunal also requires the completion of the appeals phase and that relatively little information has been provided on that aspect of the Tribunal's work. The Committee believes that the availability of considerable new evidence, as a result of increased cooperation with the local authorities concerned, could make the appeals process much more lengthy than previously envisaged. **In the Committee's opinion, it would be misleading to assume that the mere provision of the requested resources would enable achievement of the targets so far specified.**

4. The Advisory Committee was provided with information and statistics, at 16 November 2001, on activities during the period from 1996 to 2001:

(a) Convictions of 29 individuals by Trial Chambers;

(b) One acquitted in the first instance and 4 acquitted by the Appeals Chamber;

(c) Eight final convictions;

(d) Fourteen cases at the pre-trial stage, involving 20 accused persons;

(e) Four ongoing trials, involving 8 accused persons;

(f) Five cases at the appeals stage, involving 10 accused persons, and 2 cases, involving 8 recently convicted persons, who are still within the time limit of 15 days to file a notice of appeal;

(g) Arrest warrants publicly issued against 28 accused, who are still at large.

5. Upon enquiry, the Advisory Committee was informed of discussions under way concerning initiatives to empower special national courts to undertake trials. This would involve amending rule 11 bis to empower a Trial Chamber to suspend a relevant Tribunal indictment, so that the proceedings could be referred to and prosecuted in a specially constituted court in Bosnia and Herzegovina. **The Committee trusts that this development will contribute to the determination of the exit strategy for the Tribunal (see para. 3 above).**

6. On the long-term question of enforcement of sentences, the Advisory Committee recalls its comments in paragraph 10 of its report of 22 November 2000 (A/55/642). The Committee notes that the Secretary-General has not provided information on the long-term implications of these costs in the budget submission for 2002-2003. Upon enquiry, the Committee was informed that, in addition to the agreements already concluded with seven Member States on the enforcement of sentences and a special arrangement with a Member State on one case, the Tribunal was having ongoing discussions with four Member States. In this connection, the Committee was informed that some countries are adding new conditions to the agreement after its conclusion, for example: close relationship between the convicted person and the country in question and necessity of an assessment procedure by a domestic court. **This could result in a situation where convicted persons would have to stay in the United Nations Detention Unit in The Hague, which is not only against the rules (the Unit is a remand centre and not a prison), but would also have cost implications for the Tribunal' s budget.**

7. The Advisory Committee recalls its comments and recommendations in paragraph 5 of its report of 22 November 2000 (A/55/642) on the submission to the General Assembly at its fifty-sixth session of a report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634). **The Committee regrets that the results of implementation of the recommendations of Expert Group were not available when the Committee took up the estimates as requested by the Committee.**

8. The Advisory Committee reiterates its view that the Secretary-General should ensure that, before requesting additional resources for the Tribunal every effort should be made to utilize fully and effectively existing resources within the Tribunal (see, for example, A/55/642, para. 6). **The Committee is not**

convinced that the budget proposal for the biennium 2002-2003 includes sufficient information attesting that a rigorous examination was undertaken of approved resources before making proposals for additional funds. Accordingly, the Committee recommends adjustments to various items of the proposal as indicated below.

Financial performance report for 2000

9. The expenditure during the period from 1 January to 31 December 2000 totalled $100,465,700 gross ($89,561,100 net), as compared with appropriations of $106,149,400 gross ($95,942,600 net), reflecting underexpenditures of $5,683,700 gross ($6,381,500 net), or 5. 4 per cent of the appropriation.

10. Significant variances between appropriations and the expenditures, by object of expenditure, for the Tribunal as a whole, are shown in table 1 of the performance report (A/56/501). These include underexpenditures of $4,112,700 under salaries, common staff costs and mission subsistence allowance and $269,400 under other staff costs. Underexpenditures under salaries and common staff costs are attributable mainly to the favourable exchange rate of the Netherlands guilder to the United States dollar and the higher actual average vacancy rates of 12. 4 per cent and 6. 9 per cent for posts in the Professional category and above and in the General Service and related categories, respectively, compared with the budgeted rates of 10 per cent and 5 per cent (A/56/501, para. 2). Other significant underexpenditures during the period include $675,200 in reduced requirements for travel, largely owing to the need for fewer witnesses, support persons and dependants to travel to The Hague than anticipated; $2,881,800 in savings under contractual services, including those under the provisions for defence counsel, detention services, training, verbatim reporting and forensic analysis and decontamination services; and $221,600 under alterations to premises. Overexpenditure of $1,792,500 for furniture and equipment included additional requirements under electronic data-processing equipment and computer software as well as vehicles and other equipment. An explanation for this is provided in the performance report (A/56/501, table 1, and paras. 2-12).

11. The Advisory Committee notes that additional requirements under general operating expenses include the amount of $582,100, as a result of the settlement of a claim and the setting aside of amounts to meet possible claims against the United Nations, following the deaths of detainees while in custody and the acquittal of accused persons following trial (A/56/501, para. 8 (f)). The Committee requested explanations on the legal basis for these payments. The Committee was informed that the claim related to the death in custody was settled for $57,500 in early 2001. The remainder of the obligation was liquidated since the claims for the arrest of persons that subsequently were acquitted did not materialize.

12. Upon request, the Advisory Committee was provided with a breakdown of expenditures of the Tribunal by organ for the years 1998 to 2000 and expenditure for 2001 at 31 October 2001 (see annex I to the present report).

13. **In view of the fact that the budget is now submitted biennially the Advisory Committee recommends that a financial and programme performance report be submitted on an annual basis. Its format and content should follow the format and content of the Tribunal budget estimates and include programme and performance information. The summary table should be accompanied by tables for each of the three organs of the Tribunal, including expenditure by object of expenditure. The report should indicate performance concerning benchmarks used to estimate resources. For example, where work months or number of missions are used as a basis to estimate resources, the report should indicate the performance in work months and number of missions. Savings arising from management efficiencies and productivity measures should be fully explained.**

II. Proposed budget for 2002-2003

14. The overall level of resources proposed for the Tribunal for the first biennial budget for 2002-2003, under assessed contributions, amounts to $248,364,200 gross ($224,702,200 net), reflecting an increase before recosting of $28,446,200 gross ($25,794,900 net), or 12.9 per cent gross (13 per cent net), over the 2000-2001 appropriations of $219,918,000 gross ($198,907,300 net). After recosting, the budget proposed for 2002-2003 amounts to $256,241,300 gross ($229,787,800 net), reflecting a resource increase

of $36,323,300 gross ($30,880,500 net), or a 14.2 per cent increase gross (15.5 per cent increase net) over the appropriation of $219,918,000 gross ($198,907,300 net) for 2000-2001. The recosting of provisions for 2002-2003 of $5,085,600 reflects the impact of provisions for inflation ($23,040,900), offset by reductions due to exchange rates ($14,096,000), changes to salary standard costs ($1,067,800) and increased income from staff assessment ($2,791,500). Total extrabudgetary resources for the biennium 2002-2003 are estimated at $5,692,600, reflecting a decrease of 45.7 per cent compared with voluntary contributions of $10,490,000 for 2000-2001 (A/56/495, tables 2 and 3 and para. 7).

15. The Advisory Committee was informed upon enquiry that the reduction of extrabudgetary resources for 2002-2003 resulted from a one time non-recurring voluntary contribution of $8,447,700 received from a Member State in 1999. This contribution, which was for activities in Kosovo, was almost totally spent during the years 1999, 2000 and 2001 ($5,288,400 for 2001), with the amount of $570,000 planned for disbursement in 2002.

16. For the biennium 2002-2003, the net real resource increase amounts to $25,794,900 (before recosting), or a 13 per cent increase compared with the 2000-2001 appropriation. The increase is driven mainly by the activities related to the nine ad litem judges, the increased pace of trial work that the addition of three trial chambers represents, increased activity in the area of arrests and the preparation of indictments and resumption of the work of the Prosecutor in Serbia (see A/56/495, table 3 and para. 7). The Committee notes that the 2000-2001 appropriation includes the cost of six ad litem judges for six months, plus support staff and operational expenses (A/56/495, table 2).

17. The proposed staffing table for 2002-2003 comprises 1,100 assessed budget posts (not including 14 judges and 9 ad litem judges) and 18 extrabudgetary posts, reflecting an increase of 132 assessed budget posts (72 Professional and 60 General Service) (see A/56/495, table 4). Detailed organization charts for each organ of the Tribunal, identifying proposed new posts, reclassification and staff redeployment for 2002-2003 are shown in annex II to document A/56/495/Add. 1.

18. For the biennium 2002-2003, 50 additional posts (37 Professional and 13 General Service) are requested for the Office of the Prosecutor, and 82 additional posts (35 Professional, 30 General Service and 17 Security Service personnel) are requested for the Registry. In addition, four reclassifications are requested in the Registry.

19. Annex I to document A/56/495/Add.1 shows the parameters used in the formulation of the budget. Budgetary assumptions for 2002-2003 include a United Nations rate of exchange of 1 United States dollar per 2.42 Netherlands guilders and a post adjustment multiplier of 5.975 for 2002 and 7.675 for 2003 for The Hague, as compared with an exchange rate of 1 United States dollar per 2.47 Netherlands guilders and a multiplier of 4.6 used for the 2001 budget. With regard to vacancy factors, as shown in annex I to document A/56/495/Add.1, the proposed budget for 2002-2003 assumes a vacancy factor for the proposed new posts of 50 per cent for the Professional category and 40 per cent for the General Service category, compared with vacancy factors of 60 per cent and 50 per cent for the Professional and General Service categories for 2001. For continuing posts, a rate of 5 per cent is used for both the Professional and General Service categories. The same rates of 5 per cent were used for continuing Professional and General Service posts in 2001. **The Committee points out that the biennial budget rates do not necessarily follow from the annual budget rates. For example, for 2001, the delayed recruitment factor for Professional posts was approximately 7 months; for the biennium 2002-2003, it would be 12 months. The Advisory Committee intends to monitor this in the financial and programme performance report for the Tribunal.** The Committee was provided with vacancy statistics by the organizational units of the Tribunal, at 31 October 2001, reflecting 101 vacant posts (26 in the Office of the Prosecutor and 75 in the Registry) (see annex III to the present report). **The Committee reiterates its view that the Tribunal should fill the vacant posts as rapidly as possible (see A/55/642, para. 24).**

A. Chambers

20. As shown in table 5 of the budget report, the resource requirement for the Chambers for 2002-2003 amounts to $8,511,500 gross and net, compared with $6,585,600 gross and net for 2000-2001, reflecting an increase of $1,925,900, or 29.2 per cent. Salaries and

allowances of judges amount to $8,364,100, reflecting an increase of $1,937,100, or 30.1 per cent. As indicated in paragraphs 14 and 15 (a), the provision includes the salaries and allowances for 14 judges and 9 ad litem judges. These have been calculated on the basis of the terms and conditions of service as established by the General Assembly in its resolutions 53/214 of 18 December 1998 and 55/249 of 12 April 2001. The next comprehensive review of the emoluments, pensions and other conditions of service of the judges is to be undertaken during the fifty-sixth session of the Assembly. The Committee notes that estimates may need to be adjusted in the light of decisions taken at that time.

21. The Advisory Committee was provided with updated workload indicators for the organs of the Tribunal, at 30 September 2001. For the Chambers, the Committee notes the number of court sessions will increase from 1,002 estimated for 2001 to 2,400 projected for 2002-2003. The actual number of court sessions for 2001 was 533 at 30 September 2001.

22. As indicated in paragraph 17 of the budget report, a travel provision of $111,600 (before recosting) is requested for the Chambers for 2002-2003, comprising $80,000 for travel of the President of the Tribunal; $15,000 for travel of the judges and ad litem judges to two joint judges' seminars with the International Criminal Tribunal for Rwanda; and $16,600 for travel of the judges to view a particular crime scene upon request from a party to the proceedings. Upon request, the Advisory Committee was informed that the judges (without the President and the ad litem judges) are away from the Tribunal (for seminars, conferences, speeches, etc) during an average period of 6 days per judge per year, including the combined meetings with the Tribunal for Rwanda. The Committee was also provided with a general overview on the activities of the judges of the Tribunal on a yearly basis.

23. **With regard to extra judicial activities of judges that affect proceedings (i. e., travel to seminars, public relations activities, etc.), on the basis of testimony by representatives of the Secretary-General and of the Tribunal, the Advisory Committee reiterates its view that the judicial activities at The Hague should have priority over public relations activities and attendance at external meetings (see A/55/642, para. 28). The Committee requests that information on these activities of the judges be included in the next financial and programme performance report (see para. 13 above).**

24. The Advisory Committee notes that, for the biennium 2002-2003, the Tribunal intends to double its judgement capacity through the use of nine ad litem judges. By the end of the biennium, the Chambers will have 12 trials, 9 pre-trial procedures, 6 pre-appeal procedures, 8 appeals (on the merits) and all interlocutory appeals arising from them. To manage this level of courtroom activity, the Chamber will operate in three courtrooms in two daily shifts, extending the normal workday (A/56/495, paras. 9-11). The Committee was assured that courtroom usage would increase with the appointment of ad litem judges (see para. 16 above).

B. Office of the Prosecutor

25. The proposed budget for the Office of the Prosecutor for the biennium 2002-2003 amounts to $79,807,100 gross ($67,643,600 net of staff assessment), reflecting an increase of $10,895,400 gross ($8,522,500 net) over the appropriation of $68,911,700 gross ($59,121,100 net) for 2000-2001. In addition, for 2002-2003, it is estimated that an amount of $1,129,600 would be available under extrabudgetary resources for the Office of the Prosecutor, compared with estimates of $6,418,000 for extrabudgetary resources for 2000-2001 (A/56/495, table 6).

26. For the Office of the Prosecutor, staffing requirements for 2002-2003 comprise 437 posts (282 Professional and 155 General Service), reflecting an increase of 50 new posts (37 Professional and 13 General Service), compared with 387 posts in 2000-2001 (A/56/495, table 7). The estimated costs of posts for the Office of the Prosecutor amount to $46.1 million (before recosting), including $3.8 million for 50 new posts. No reclassifications are requested for the Office of the Prosecutor. Annex II to the present report shows the new organizational structure of the Office of the Prosecutor. Justification for new and redeployed posts in the Office of the Prosecutor is contained in paragraphs 2 to 57 of annex IV to document A/56/495/Add. 1.

27. The Advisory Committee notes from annex V to document A/55/517 and annex VI to document A/56/495/Add.1 that trials under preparation were projected at 12 but only 8 were completed. For 2001,

trials under preparation are projected at 15 and 10 had been completed at 30 September 2001. For the biennium 2002-2003, trials under preparation are projected at 26. Upon request, the Committee was provided with the list of six cases scheduled for 2002 (first instance trial).

28. The Advisory Committee notes that with the arrival of the ad litem judges it is expected that the pace of trials will increase in order to complete its work within a shorter time frame. The Committee was provided with information on the effort on the part of the Chambers to find ways to reduce the length of trials, which has had an important impact on the Office of the Prosecutor. The Committee notes that shorter deadlines are being set for different aspects of trial preparation; rule changes have been implemented to reduce the number of witnesses in the courtroom through the use of certified statements (rule 92 bis); and deadlines for the completion of a trial are being fixed (A/56/495, para. 21).

29. As indicated in paragraph 24 above, it is anticipated that six trials will be held in 2002 and the same number in 2003. Two trial teams per chamber are needed in order to enable the Prosecutor to be in trial with one team and have another case in preparation. The Committee was informed that the Tribunal would be operating on extended hours in all three courtrooms (see A/56/495, para. 20).

30. The Advisory Committee notes that for the Prosecutor to meet the increased pace of trials, a large redeployment of investigative resources, including a significant number of staff to assist with trial work and a series of special projects, has already been implemented. The Prosecutor has refocused the work of the Prosecution and Investigation Divisions and the Committee was provided with detailed information on this. Investigations are now driven by the demands of the prosecutors responsible for the preparation of indictments and by the requirements of the senior trial attorneys presenting cases in court. The outstanding investigations essential for the discharge of the Prosecutor' s mandate have largely been identified, and the character of many investigations has now changed, with emphasis on analysing existing holdings rather than on collecting raw information. Many investigations have reached the legally intensive case-building stage (i. e., the technical process of shaping a criminal case by assembling all the evidence needed to prove the charges beyond a reasonable doubt (see A/56/495, paras. 21-23).

31. Proposals for new posts and redeployments for the immediate office of the Prosecutor are contained in paragraphs 1 to 5 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). Three new P-3 posts and the inward redeployment of two posts (1 P-4 and 1 P-3) are requested for a new Financial Tracing Unit in the immediate office of the Prosecutor. The Unit would be responsible for the asset tracing functions previously carried out by the Requests and Information Unit of the Investigations Division. The Committee recalls that it recommended for approval a P-4 Legal Officer (Tracing) post in the Requests and Information Unit for 2001 (see A/55/642, annex II). The Committee was informed that resources had proved insufficient and that two staff members at the P-4 and P-3 levels were employed under the provision for general temporary assistance. It was now being requested to establish these on the staffing table.

32. **The Advisory Committee expresses concern at the practice of establishing posts through general temporary assistance in the expectation that they would be approved on an ex post facto basis. The Committee notes that this did not lead to any consequential reduction in the request for general temporary assistance in the Office of the Prosecutor. On the basis of the information provided, the Committee has no objection to the transfer of one P-4 post and one P-3 post from the Requests and Information Unit of the Investigation Division. The Committee recommends that the additional function should continue to be performed through general temporary assistance and recommends against approval of the three new P-3 posts.**

33. For the Appeals Unit two additional posts (1 P-4 and 1 P-2) and redeployment of 1 P-4 and 1 P-3 from the Forensic Unit in the Investigations Division are requested (A/56/495/Add. 1, annex IV, para. 3). The Committee recalls that for 2001, after the transfer of one appeals counsel (P-5) to International Criminal Tribunal for Rwanda, the Appeals Unit has an approved establishment of seven Professional posts (one P-5, two P-4, three P-3 and one P-2) and one General Service post, including two new posts proposed for 2001 (one P-3 and one P-2) (see A/55/642, para. 30, and annex II). The Committee notes that, according to paragraph 3 of annex IV to

document A/56/495/Add.1, the Appeals Unit is staffed with eight Professional posts and one General Service post. The Committee notes the information providing justification for two additional Professional posts in paragraph 5 of annex IV. The Committee points out that exculpatory material is available during the trials. In this connection, the Committee was informed of instances when new material develops and has to be made available to the appellant. However, in the Committee's opinion, it is not necessary to attempt to cover every eventuality. **The Committee has no objection to the proposed redeployment of posts and recommends approval of only one additional P-2 post to provide additional capacity in those instances when new material arise that was not available to appellants during trial.**

34. Proposals for new posts and redeployments for the Prosecution Division are contained in paragraphs 6 to 18 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). The Division is currently structured on the basis of six trial teams and four preparatory teams. Because of the expected increase in pre-trial activities, a request for two more preparatory teams is made to bring the total to 12 teams, 6 of which would be in trial at any one time and 6 would be involved in trial preparation, and would be ready to proceed to trial in any of the six trial chambers at the completion of any ongoing trial. Upon enquiry, the Committee was informed that there had never been an instance when judges could not start trials because a case had not been prepared. The Committee also notes that, whereas, as in the organigram for International Tribunal for the Former Yugoslavia, trial teams are identified, no such identification is shown for International Criminal Tribunal for Rwanda. Upon enquiry, the Committee was informed that the two Tribunals' investigation, preparation and prosecution follow a more or less similar process. Investigators can also perform preparatory work since they have intimate knowledge of the facts.

35. **In the opinion of the Advisory Committee, it is therefore not necessary to have a preparatory team for each trial team. Furthermore, the Committee notes that a case can be prepared but does not always go to trial immediately and, as indicated above, some investigative attorneys will also be used to prepare trial cases (see, for example, A/56/495/Add. 1, annex IV, para. 21 (d)).**

36. The Advisory Committee recalls that when ad litem judges were approved one additional trial team was also approved (see A/55/517, annex IX, para. 6). Taking into account the resources approved for the Prosecution Division for 2001 and the additional resources recommended for approval for other staff costs for 2002-2003, **the Committee recommends approval of only one additional preparatory team composed of a senior trial attorney (P-5), two trial attorneys (co-counsel) (P-4), one legal officer (P-3), one case manager (General Service) and one trial support assistant (General Service).**

37. For the Trial Section of the Prosecution Division, two new P-3 posts and inward redeployment of two P-5 posts are requested. The Advisory Committee notes that the two P-5 posts proposed for redeployment from the Office of the Chief of the Investigations Division would provide for the additional posts of senior trial attorney required to head each new trial preparation teams mentioned above. **In view of the Committee's recommendation for the establishment of only one additional preparatory team, indicated above, the Committee recommends the redeployment of only one P-5 post to the Trial Section and approval of one new P-3 post for the additional preparatory team.**

38. For the Trial Support Unit of the Prosecution Division, six new General Service posts are requested. **The Advisory Committee recommends approval of one case manager (General Service) and one trial support assistant (General Service) in view of the recommendation to establish one additional trial preparation team and approval of one trial support clerk to strengthen the Unit.**

39. For the Team Legal Advisers Unit and the Co-Counsel Unit of the Prosecution Division, four new P-4 posts are requested for legal advisers for the two new trial preparation teams. **In view of the recommendations of the Advisory Committee to approve only one additional trial preparation team, the Committee recommends approval of two P-4 posts.**

40. For the Legal Advisory Section of the Prosecution Division, one new P-2 post is proposed to strengthen research capacity in view of the increased number of trials and appeals (A/56/495/Add.1, annex IV, para. 18). **The Advisory Committee agrees with the proposal.**

41. Proposals for new posts and redeployments for the Investigations Division are contained in paragraphs 20 to 42 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). It is proposed to transfer two P-5 posts from the Investigations Division to provide for two senior trial attorneys posts in the Trial Section of the Prosecution Division. **As indicated above, the Advisory Committee recommends the transfer of only one P-5 post and that the function of the other post be reviewed for the purpose of abolition or transfer to another unit.**

42. In the Forensic Unit, the Advisory Committee notes the reasons given in paragraph 26 of annex IV to document A/56/495/Add.1 to retain a smaller forensic capability for at least two years to monitor the work done "by other organizations and States". The Committee further notes that assistance may be requested, in the event some new conflict should break out in the region. **The Committee believes that this request is in the nature of a contingency provision. In the light of the scaled down proposal and the time frame of two years indicated above, the Committee recommends acceptance of the request for redeployment of one P-4 post and one P-3 post to the Appeals Unit of the Prosecution Division as requested. The Committee recommends that the performance of the Forensic Unit continue to be reported in the context of the financial and programme performance report for the Tribunal (see para. 13 above).**

43. For the Tracking/Intelligence Unit two new P-3 posts and redeployment of one P-4, one P-3 and one P-2 are requested. The Advisory Committee was informed that the request for the two new P-3 posts was based on the success of the Rwanda Tribunal in tracking and locating fugitive indicted accused. The Committee understands that the problem for the Tribunal is related to obtaining cooperation of States where fugitives may be located. **The Committee has no objection to the proposed redeployments and recommends approval of one new P-3 post.**

44. For the new assessment team, four new posts (three P-3 and one P-2) and redeployment of five P-2 posts are proposed. The Advisory Committee notes that of 36 investigations to be completed before 2004, 10 investigations have been completed and 17 have been formally opened. To attain the Division's objective of signing 25 indictments by the end of 2003, the new assessment team would accelerate the opening of the last nine investigations (A/56/495/Add.1, annex IV, para. 31). The Committee notes that the work of the assessment team has to be closely coordinated with the work of military analysis, criminal analysis and investigation. The Committee was informed that the principal function of the assessment team would be to analyse old information to ascertain whether it would be appropriate to launch an investigation. The Committee questions the practice of establishing small independent units where functions, though not identical, could nevertheless profit from economies of scale in the optimum use of available expertise and in effective coordination. Nevertheless, in view of the importance of completing investigations, the Committee will not oppose the creation of the new assessment team but with proper coordination and cooperation it should be possible to carry out the work with less staff than requested. **Accordingly, the Committee agrees with the request for one P-3 post and one P-2 post and with the internal redeployment of five P-2 posts requested in paragraph 39 of annex IV to document A/56/495/Add.1 from the Military Analysis Team.**

45. For the leadership research team, three new posts are proposed: two research officers (P-3) and one database manager (P-2) (A/56/495/Add.1, annex IV, para. 36). **The Advisory Committee has no objection.**

46. For the military analysis team, three new P-2 military analyst posts are requested to double this function to six posts, while at the same time, as mentioned above, the five criminal intelligence analysts (P-2) posts in this unit are proposed for redeployment to the new assessment team. In the opinion of the Advisory Committee, the reasons given to justify doubling the resources for military analysis are not fully satisfactory (see A/56/495/Add.1, annex IV, para. 39). **The Committee recommends approval of only two P-2 military analysis posts.**

47. For the 10 investigation teams of the Investigations Division, nine more posts at the P-2 level are proposed and an additional P-2 post is proposed for redeployment from the Tracking/Intelligence Unit (A/56/495/Add.1, annex IV, para. 42). **Taking into account the target date of 2004 mentioned in paragraph 3 above, the Advisory Committee recommends approval of nine new P-2 posts and the redeployment of one P-2 post to double the capacity of the 10 investigation teams by adding one analyst to each team. The Committee**

also agrees with the proposed redeployment of two General Service posts from the Information Support Unit of the Evidence and Information Support Section to the administrative support pool of the Investigations Division (see A/56/495/Add.1, annex IV, paras. 50 and 55).

48. For the Belgrade and Skopje field offices two posts (1 P-3 and 1 P-2) for investigators are being requested for each field office. None existed before. Upon enquiry, the Advisory Committee was informed of the need to strengthen the investigation capacity for these offices in the light of the changed situation in the area. **In view of the increase in investigation capacity recommended by the Committee and bearing in mind that the main task of investigation is carried out by teams from The Hague, the Committee recommends approval of one P-3 post for an investigator for each of the two offices. In addition, as requested, for the Belgrade office, the Committee recommends approval of two new General Service posts for one language assistant and one driver.**

49. For the Evidence Unit of the Evidence and Information Support Section five new General Service support posts are requested. **The Advisory Committee recommends approval of four new support staff to provide continuous support to the trials plus maintain normal service to the investigation teams. The Committee further agrees with the internal redeployments in paragraphs 55 to 57 of annex IV to document A/56/495/Add.1 for the units dealing with information support, systems development, documents and video-indexing.**

50. For 2002-2003, other staff costs of the Office of the Prosecutor are estimated at $11,763,400 (before recosting), comprising provisions of $1,682,300 for mission subsistence allowance, $10,000 for hazard pay entitlements, $186,000 for overtime and $9,885,100 for general temporary assistance (see A/56/495, para. 29).

51. The Advisory Committee notes that the provision of $9,885,100 (before recosting) for general temporary assistance reflects an increase of $1,026,300 and will cover the requirements of pre-trial and peak trial support, document indexing, research and analysis, universal database project and exhumation projects (A/56/495, para. 29 (d)). Upon request, the Committee was provided with actual work-month statistics for the activities covered under the provision for general temporary assistance for 2000 and 2001.

52. With regard to the universal database project, the Advisory Committee notes the statement in paragraph 29 (d) (iv) of the budget report that the efforts to adapt the system to the rapidly changing needs of the Office of the Prosecutor had resulted in multiple series of databases and spreadsheets that did only part of the job, leading to duplication of effort and inefficiency. This situation reflects existing weaknesses in systems development in the Office of the Prosecutor. To remedy the situation, 120 work-months for system development assistants at the General Service level have been requested. **The Committee trusts that the universal database project will reduce the number of databases and spreadsheets used and improve efficiencies and consistency.**

53. The Advisory Committee notes from paragraph 29 (d) (v) of document A/56/495 that exhumation projects will continue in 2002-2003, but at a reduced level, with emphasis on probing and monitoring potential mass graves. Confirmed sites would be turned over to the Bosnian, Croatian or Serbian commission for exhumation and monitoring by the Tribunal forensic staff. Four work-months of forensic experts and 14 work-months for a monitoring team are requested. The Committee recalls that in 2000 it was informed that exhumation activities had been completed in Kosovo (see A/55/642, para. 34). The Committee notes that there is no certainty that funds requested would be needed in their entirety.

54. **Taking into account workload projections for 2002-2003 and actual expenditure patterns for activities covered under the provision for general temporary assistance in 2000 and 2001, the Advisory Committee recommends approval of $9.5 million (before recosting) for 2002-2003 rather than $9.9 million (before recosting) requested for general temporary assistance.**

55. Provision for consultants and expert witnesses in the Prosecution Division are estimated at $301,400 (before recosting) (A/56/495, table 6 and para. 30). **The Advisory Committee recommends approval of this amount.**

56. Provision for travel for the Office of the Prosecutor is estimated at $6.5 million (before recosting), with the bulk being for investigation ($5.7 million) and the remainder for prosecution teams travel

and other travel of the Prosecutor and Deputy Prosecutor (A/56/495, table 6 and para. 31). It is anticipated that 2,470 missions will be undertaken by investigation teams in 2002-2003 to gather witness testimony, seize material under search warrants and evaluate documentation made available to the Tribunal. Prosecution travel would include 252 missions "to proof" witnesses to prepare them for given evidence and 34 missions to the former Yugoslavia to take 952 statements related to rule 92 bis (A/56/495, para 31). The Committee was informed the statements would be obtained in accordance with the new rule 92 bis, which allows admission of certified statements from witnesses, thus obviating the need for the presence of those witnesses at court hearings. While the implementation of rule 92 bis will lead to more travel of investigators, it should also produce considerable savings since fewer witnesses would be brought to The Hague. **Taking this factor into account, as well as the uncertainties of the Committee about the capacity of the investigation teams to carry out 2,470 missions in the period envisaged, the Committee recommends approval of $6 million (before recosting) for travel rather than $6.5 million (before recosting) requested for the Office of the Prosecutor.**

57. In paragraph 32 of the budget report, a provision of $112,300 (before recosting) is requested for training in the Office of the Prosecutor. Upon enquiry, the Advisory Committee was informed that funds would be used for advocacy training in civil law at Oxford University, the training of investigators in new techniques and training in computer areas. **The Committee agrees with the request.**

C. Registry

58. The budget proposal for the Registry for the biennium 2002-2003 amounts to $167,922,700 gross ($153,632,700 net of staff assessment and other income), reflecting an increase of $23,502,000 gross ($20,840,400 net of staff assessment and other income), or an increase of 16.3 per cent gross (15.7 per cent net), over the 2000-2001 appropriation of $144,420,700 gross ($132,783,300 net of staff assessment and other income). In addition, for the biennium 2002-2003, it is estimated that the Registry will administer extrabudgetary resources, amounting to $4,563,000, as compared with $4,072,000 estimated for 2000-2001 (A/56/495, table 9).

59. For the Registry, the staffing requirement in the proposed assessed budget for 2002-2003 comprises 663 posts (253 Professional, 255 General Service and 155 Security Service), including the creation of 82 new posts (35 Professional and 30 General Service and 17 Security Service) and four reclassifications. The Advisory Committee notes that the staffing proposal for 2002-2003 includes 47 posts approved for the Registry for 2000-2001 to support six ad litem judges. The estimated costs of posts for the Registry amount to $57.5 million (before recosting), including $4.0 million for 82 new posts and $113,400 for four reclassifications. In addition, the proposed requirements for 2002-2003 include 18 extrabudgetary posts (1 P-3, 1 P-2 and 16 General Service) (A/56/495, para. 39 and table 10). Paragraphs 58 to 109 of annex IV to document A/56/495/Add.1 provide detailed justifications for the proposed new posts, redeployments and reclassifications in the Registry.

60. The Advisory Committee notes that factors affecting estimated request for the Registry are outlined in paragraphs 34 to 37 of the budget report. The contents of paragraph 38 should in future be presented in terms of plans, expected results and related resource needs (see similar comments for the Chambers in para. 23 above). **The Committee recommends that the description of functions carried out by the service units in the Registry should concentrate on identifying new functions and related resources with an explanation of the reasons for why the current capacity is not adequate to cover these functions.**

61. The Advisory Committee notes that the appropriation for 2000-2001 includes additional resources approved for 47 posts and non-staff costs, consultants, contractual services, etc. to support six ad litem judges (see A/56/495, table 9). Upon request, the Committee received additional information related to the need for additional resources for 2002-2003 in the Registry related to the ad litem judges. **The Committee has borne the foregoing in mind when reviewing the requests discussed in the paragraphs below.**

62. For the immediate office of the Registrar one new P-2 post is requested in paragraph 60 of annex IV to

document A/56/495/Add.1. **The Advisory Committee has no objection to this request.**

63. Justification for the proposals for new posts, redeployments and reclassifications for the Judicial Support Division are contained in paragraphs 61 to 81 of annex IV to document A/56/495/Add.1. A new P-3 post is requested for the Office of the President in view of the increasing need for English and French translation and interpretation services in the Office of the President. The Advisory Committee is of the view that interpretation and translation services for the Office of the President should continue to be provided by the language and conference services of the Registry. **Accordingly, the Committee does not support the request for an additional P-3 post for the Office of the President.**

64. For the Chambers Legal Support Section 10 new posts are requested: one new legal officer at the P-3 level for the Appeals Chamber, one new P-3 legal officer for each of the Chamber and three associate legal officers at the P-2 level and three General Service assistants to be assigned to the three additional ad litem judges.

65. The Advisory Committee notes the proposed increase in trial activity. The Tribunal plans to complete 12 trials and to commence 9 cases in pre-trial stage for 24 new accused persons who will arrive during the biennium 2002-2003 (A/56/495/Add.1, annex IV, paras. 66 (c) and 68). Upon enquiry, the Committee was informed that the 24 new detainees could come from the existing indicted 36 fugitives and from the 108 potential suspects about whom no assessment had yet been made as to whether an investigation would be worthwhile to undertake.

66. The Advisory Committee recalls that 14 posts (8 Professional and 6 General Service) were requested for the Judicial and Legal Services Division in context of the appointment of 6 ad litem judges (see A/55/517, annex IX). The Committee points out that some of the pre-trial work could be performed by some of the legal officers involved in trying the 12 cases that would be completed. Furthermore, it is not clear exactly how many of the newly accused would actually be arrested and arrive at the Tribunal. **The Committee is not convinced that adequate justification has been presented for three new P-3 legal officers to be assigned to the Chambers; however, the Committee agrees with the request for three P-2 and three General Service posts requested in connection with the arrival of three additional ad litem judges in 2002-2003. The Committee also agrees with an additional P-3 legal officer for the Appeals Chamber in view of the expected increase in appeals work.**

67. The Advisory Committee notes that currently there are 39 Professionals and 25 General Service posts in the Chambers Legal Support Section (A/56/495/Add.1, annex IV, para. 64). With the above recommendations, if approved by the General Assembly, there would be a total of 43 Professional and 28 General Service posts in this Section. **The Advisory Committee recommends that the further staffing requirements of the Section should be monitored and reported to the General Assembly in the context of the financial and programme performance report to be submitted to the Assembly at its fifty-seventh session.**

68. For the Court Management Section, three new P-3 and three new General Service posts are requested as well as a reclassification of one P-4 post to the P-5 level. **For the reasons outlined in paragraphs 72 to 74 of annex IV to document A/56/495/Add.1, and the additional information provided on the proposals, the Advisory Committee recommends approval of three new Professional and three new General Service for this Section, as well as with the proposed reclassification of the post of the Chief of the Section.**

69. For the Witness and Victim Support Section, one new P-2 support officer and seven General Service posts (three trial managers, one administrative assistant, one field assistant and two witness clerks) are requested. **For the reasons provided in paragraphs 76 and 77 of annex IV to document A/56/495/Add.1, the Advisory Committee agrees with the request for a new P-2 post; however, the Committee recommends approval of only four additional General Service posts rather than the seven posts requested.**

70. **With regard to the Office of Legal Aid and Detention Matters, the Advisory Committee agrees with the request for one new financial investigator post at the P-3 level proposed in paragraph 81 of annex IV to document A/56/495/Add.1.**

71. **For the Division of Administration, the Advisory Committee, taking into account the**

explanation given in paragraphs 84 to 90 of annex IV to document A/56/495/Add.1, agrees with the request for a P-5 post for a new medical officer requested in paragraph 86 of annex IV. As to the reclassification of the Chief of Finance post from the P-4 to the P-5 level and the two additional General Service posts, one for an administrative assistant and the other for a finance assistant, requested in paragraph 90 of annex IV, the Committee is not persuaded by the justification given and recommends against approval.

72. **With regard to the proposal for three new General Service posts for the Human Resources Section in paragraph 94 of annex IV to document A/56/495/Add.1, in view of the present complement of 13 General Service posts in this Section, the Advisory Committee does not agree with two additional General Service posts requested.**

73. For the Information Technology Support Section and for the General Services Section, 10 new General Service posts and a reclassification of 1 P-3 post to the P-4 level are requested. **The Advisory Committee agrees with the seven new General Service posts requested in paragraph 97 of annex IV to document A/56/495/Add.1 for technical support for two new trial sessions and for a system engineer. The Committee, however, sees no justification for the reclassification of the post of the Chief of the Development Unit from the P-3 to the P-4 level requested in paragraph 98. For the General Services Section, the Advisory Committee is of the view that the present complement of 5 Professional and 31 General Service posts should be adequate (see A/56/495/Add. 1, annex II). It therefore does not support the additional request for three new General Service posts in paragraph 100.**

74. With respect to the proposals for new posts for the Conference and Language Services Section and the Security and Safety Section in paragraphs 104 and 109 of annex IV to document A/56/495/Add.1, the Advisory Committee notes the request for the Conference and Language Services Section of 21 new posts (8 P-4, 9 P-3, 2 P-2 and 2 General Service). **Taking into account that the Conference and Language Services Section is staffed with 113 Professional (1 P-5, 34 P-4, 59 P-3 and 19 P-2) and 34 General Service posts (A/56/495/Add.1, annex IV, para. 101), the Committee recommends that 10 new posts (5 P-4, 4 P-3 and 1 P-2 posts), for translation and interpretation, be approved. The Committee endorses the request for the additional 18 Security Service posts (1 P-2 and 17 Security Service) and the reclassification from the P-3 to the P-4 level for the information security officer post requested in paragraph 109 of annex IV.**

75. For the biennium 2002-2003, a provision of $13,708,300 (before recosting) is requested for other staff costs under the Registry, reflecting an increase of $3,833,200. Other staff costs comprise $1,581,200 for mission subsistence allowance, $8,125,000 for temporary assistance, $2,816,100 for general temporary assistance, $1,056,000 for overtime and $130,000 for night differential. The increase in requirements under other staff costs includes $3,431,500 for French verbatim reporting under temporary assistance, which was budgeted in 2001 under contractual services (A/56/495, para. 40 (c) (ii)). In 2001, the method of court reporting in French was changed from direct court reporting to remote court reporting (A/55/642, para. 50). Upon enquiry, the Advisory Committee was informed that this turned out to be less cost-effective than the original arrangements and, therefore, the Tribunal would have to revert to the use of individual contractors. The Committee was also informed that estimates for 2002-2003 in paragraph 40 (c) (ii) are based on 2,000 workdays per team of four persons, whereas in the workload indicators in annex IV to document A/56/495/Add.1, the figure refers to 7,952 days per person.

76. The provision for temporary assistance of $8,125,000 (before recosting) also included $3,656,800 for conference and field interpretation (A/56/495, para. 40 (c)). The Advisory Committee notes from the change in presentation of the estimate for conference and field interpretation, which increases by $2,067,400 for 2002-2003, whereas in 2001 it was budgeted at $614,400 for field only (see A/56/495, para. 40 (c) (iii) and A/55/517, para. 49 (a) (ii)). The Committee notes that the estimate for 2002-2003 for conference and field interpretation is partly based on approximately 2,000 anticipated court sessions that may not materialize. **The Committee believes therefore that there is room to adjust the estimates (see para. 78 below).**

77. As indicated in paragraph 40 (e) of document A/56/495, the estimate of $1,056,000 for overtime under temporary assistance includes $960,000 for 16,000 hours per year for servicing the Trial Chambers

and $96,000 for 3,200 hours for temporarily replacing security officer posts at headquarters, when they are called into the field to support the exhumation project. **As indicated in paragraph 53 above, given that there is no certainty that the funds requested for the exhumation project would be needed in their entirety, the Advisory Committee doubts the $96,000 will be needed for overtime to support the exhumation project.**

78. **Taking into account expenditure patterns for the Registry under other staff cost in 2000-2001 and the uncertainty built in to the estimates for the biennium 2002-3003, the Advisory Committee recommends that $12.7 million (before recosting) be appropriated for other staff costs rather than the $13.7 million requested. The actual requirements should be reviewed in the context of the preparation of the first financial and programme performance report for the Tribunal for the biennium 2002-2003.**

79. **The Advisory Committee has no objection to the proposed estimate of $185,000 (before recosting) for consultants and experts in the areas of language support, counselling and software consultancy (A/56/495, table 9 and para. 41).**

80. The proposed travel budget for the Registry for 2002-2003 amounts to $4,855,300 (before recosting), comprising $3,736,000 for travel and allowances of witnesses, support persons and dependants and other related costs (1,262 witnesses would travel to The Hague during the biennium) and $1,119,300 for official travel of staff (A/56/495, table 9 and para. 40). In its report of 22 November 2000 (A/55/642, paras. 51 and 52), the Committee indicated that estimates for witness travel and support have regularly been overestimated. As indicated in document A/56/501, annex I, on performance indicators for 2000, actual workload data for 2000 for the Victim and Witness Support Section show that projected indicators in such areas as the number of witnesses, witness days, witnesses requiring protective measures and additional support and relocation of witnesses were overestimated. In this connection, the Committee notes saving of $1,025,300 million under travel in the Registry in 2000 (A/56/501, para. 6). The related preliminary performance workload data for 2001, at 30 September 2001 (A/56/495/Add.1, annex VI), indicate that for 2001 the workload indicators for the Witnesses and Victim Support Section were also overestimated. **Accordingly, the Committee recommends approval of $4,369,770 (before recosting) for travel under the Registry, reflecting a reduction of 10 per cent, compared with the proposed travel estimate of $4,855,300. Furthermore, the Committee urges that measures be put in place for strict monitoring and control of expenditure related to witnesses, including that related to the collection of evidence from persons who may or may not appear as witnesses before the Tribunal.**

81. The budget estimate for contractual service amounts to $45,423,000 (before recosting) for 2002-2003, including $30,445,000 for defence counsel and $9,391,300 for detainee services (see A/56/495, table 9 and para. 43). The Advisory Committee recalls that in the past it has expressed concerns regarding the control and management of contractual services, particularly with regard to defence counsel (see, for example, A/55/642, paras. 53 to 59; see also A/55/759, paras. 78-93).

82. The Advisory Committee enquired about measures taken to address its concerns and those of the Expert Group (see A/55/642, para. 57). **The Committee regrets that no comprehensive information was made available. The results of implementation of the report of Expert Group were not given to Committee when it was considering the estimates.**

83. The Advisory Committee enquired about the effectiveness of the changes that have been introduced to manage, monitor and control the legal aid system. The information given orally was not sufficient for the Committee to form an opinion as to the adequacy of these measures. **The Committee is requesting that, in its next audit, the Board of Auditors provide a special assessment of the effectiveness of the tools available, including staff and non-staff assets, to manage, monitor and control expenses of the Tribunal's legal aid system** (see also A/55/642, para. 57).

84. With regard to contractual services, for 2000, the Advisory Committee notes savings of $2.9 million, or 15 per cent of the appropriation of $18.7 million (A/56/501, para. 7). The Committee recalls that it was informed of a potential saving of $840,000 for 2000 (A/55/642, para. 59). For 2001, the amount requested for contractual services was $22.6 million and the Committee recommended $21 million (A/55/642, paras. 53 and 59).

85. For the defence counsel, the Advisory Committee notes that the estimate of $30.4 million is based on 60 detainees per year instead of the average of 45 detainees per year assumed for 2000-2001 (A/56/495, para. 43 (a)). The Committee notes that, at 30 September 2001, the actual number of detainees in 2001 was 41, against 50 initially estimated, and the number of detainees transported was 674, against 1,331 estimated (A/56/495/Add.1, annex VI). For 2000, the number of detainees was estimated at 40 but the actual number was 35, and it was assumed that 1,425 detainees would be transported but the actual number transported was 996 (A/56/501, annex I). For the biennium 2002-2003, it is assumed the number of detainees transported would be 4,952 or an average of 2,476 per year. **This, in the Committee's opinion, appears very optimistic in the light of past experience.**

86. The detainee services estimate of $9.4 million would cover the lease of cells and services from the host Government for detainees and the costs of detention guards. The increase reflects provision for 68 cells in 2002-2003, compared with 64 cells in 2000-2001 (A/56/495, para. 43 (b) and A/55/517, para. 52 (b)). **The Committee notes that negotiations are under way with the host Government for a larger cell complex and awaits the expeditious conclusion of these negotiations.**

87. The budget estimate for verbatim reporting of $2.7 million would provide for English real-time court-reporting services as well as for plenary sessions of judges and other official meetings. It is based on 825 court sessions per year. In this regard, the Advisory Committee notes that, for 2000, 465 days had been estimated and that 427 actual days were realized (A/56/501, annex I). The corresponding estimate for 2001 was 561 days and 315 days had been performed at 30 September 2001. The projection for 2002-2003 is 1,978 days, or an average of 989 days per year.

88. **Taking all of the above into account, the Advisory Committee recommends an appropriation of $44 million (before recosting) for contractual services, reflecting a reduction of $1,423,000 from the $45,423,000 requested in the estimates.**

89. Provision for other operating costs in 2002-2003 amounts to $29.8 million (before recosting), the main elements of which are $19.3 million for general operating expense (including $10.9 million for rental and maintenance of premises), $2.9 million for supplies and materials and $7.2 million for furniture and equipment (see A/56/495, table 9 and paras. 44-49). The Committee notes that for 2000 an overexpenditure has been reported under general operating expenses, furniture and equipment, and supplies and materials (see A/56/501, table 1).

90. The Advisory Committee notes that under the provision for furniture and equipment the amount of $500,000 is included for communications equipment, representing the Tribunal's portion of the costs for establishing a turnkey satellite communications link between the Tribunal in The Hague and the offices of the Rwanda Tribunal in Kigali and Arusha. Details are contained in document A/56/495/Add.1, annex V. The Committee was informed that the direct link between the two Tribunals would have considerable impact on communication and data transmission between Kigali, Arusha and The Hague.

91. For 2001, the Advisory Committee recommended approval of $14,550,600 reflecting a 5 per cent reduction from the estimate of the Secretary-General. **Under the circumstances, the Committee recommends approval of the estimate of $29.8 million (before recosting) for the biennium 2002-2003 as requested by the Secretary-General for other operating costs, as mentioned above.**

III. Conclusions and recommendations

92. **On the basis of the recommendations and observations indicated above, the Advisory Committee recommends that the General Assembly approve the appropriation of $249,013,600 gross ($223,233,100 net) for the operations of the International Tribunal for the Former Yugoslavia in 2002-2003. This would represent a reduction of $7,227,700 gross ($6,554,700 net) from the estimate of $254,198,300 gross ($225,645,600 net), indicated in paragraph 52 of the proposed budget (A/56/495).**[1]

93. **Post reductions recommended by the Committee are summarized as follows:**

Summary of new posts not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No*
Office of the Prosecutor		
New Financial Tracing Unit	3 P-3	32
Appeals Unit	1 P-4	33
Trial Section	1 P-3	37
Trial Support Unit	3 General Service	38
Team Legal Advisers and Co-Counsel Unit	2 P-4	39
Tracking and Intelligence Unit	1 P-3	43
New assessment team	2 P-3	44
Military analysis team	1 P-2	46
Belgrade Field Office	1 P-2	48
Skopje Field Office	1 P-2	48
Evidence Unit	1 General Service	49
Registry		
Office of the President	1 P-3	63
Chambers Legal Support Section	3 P-3	66
Witness and Victim Support Section	3 General Service	69
Finance Section	2 General Service	71
Human Resources Section	2 General Service	72
General Service Section	3 General Service	73
Conference and Language Service Section	3 P-4, 5 P-3, 1 P-2 and 2 General Service	74

Total of 42 posts (26 Professional and 16 General Service) not recommended for approval for 2002-2003

Summary of reclassifications not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No*
Registry		
Finance Section	1 P-4 to P-5	71
Information Technology Support Section	1 P-3 to P-4	73

Notes

[1] For the difference between this estimate and that referred to in paragraph 14 above, see A/56/495/Add.1, annex IX.

Annex

Breakdown of expenditures by organ for the years 1998-2001 detailing other staff costs and contractual services categories

A. Total Tribunal

(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	28 975.4	41 684.5	44 017.1	40 953.9
Other staff costs				
General temporary assistance	1 126.8	1 880.0	6 230.5	4 093.8
Temporary assistance for meeting	2 399.5	1 617.3	2 337.6	2 141.6
Overtime and night differential	330.0	409.2	436.7	354.4
Total, Other staff costs	**3 856.3**	**3 906.5**	**9 004.8**	**6 589.8**
Compensations to non-Secretariat officials	2 422.2	2 492.6	2 505.2	2 364.8
Consultants and experts	177.8	104.4	199.6	130.6
Travel	2 916.7	3 367.5	3 812.6	3 349.6
Contractual services				
Defence counsel	9 060.2	11 736.8	10 831.5	11 708.1
Detention guards	1 288.7	2 552.9	2 958.9	4 008.7
Translation	181.0	194.4	321.6	547.4
Verbatim reporting	569.5	758.9	748.7	827.2
Training	169.7	234.2	414.1	365.3
Other contractual services	258.3	493.7	559.8	568.7
Total, Contractual services	**11 527.4**	**15 970.9**	**15 834.6**	**18 025.4**
Official hospitality	4.4	1.5	2.6	0.7
General operating expenses	5 432.2	7 399.2	8 185.3	7 037.2
Supplies and materials	520.7	718.3	1 105.0	1 120.2
Acquisition of equipment	3 249.6	4 001.7	4 480.7	3 215.1
Construction, alterations, improvements	280.6	-	418.9	-
Staff assessment	5 914.1	4 498.5	10 899.4	10 375.0
Total, gross requirements	**65 277.4**	**84 145.6**	**100 465.7**	**93 162.3**

	1998	1999	2000	2001 (At 31 10 2001)
Income from staff assessment	5 914.1	4 498.5	10 899.4	10 375.0
Other income	-	-	5.2	56.9[a]
Total, net requirements	**59 363.3**	**79 647.1**	**89 561.1**	**82 730.4**

[a] This includes a $47,000 one-time non-recurrent sale of vehicles.

B. Chambers

(Thousands of United States dollars)

	1998	1999	2000	2001 (At 31 10 2001)
Temporary posts	316.9	-	-	-
Other staff costs				
General temporary assistance	185.1	-	-	-
Temporary assistance for meeting	-	-	-	-
Overtime and night differential	14.8	-	-	-
Total, Other staff costs	**199.9**	-	-	-
Compensations to non-Secretariat officials	2 422.2	2 492.6	2 505.2	2 364.8
Consultants and experts	12.0	8.7	14.7	0.4
Travel	56.6	32.8	41.4	14.4
Staff assessment	102.5	-	-	-
Total, gross requirements	**3 110.1**	**2 534.1**	**2 561.2**	**2 379.6**
Income from staff assessment	102.5	-	-	-
Total, net requirements	**3 007.6**	**2 534.1**	**2 561.2**	**2 379.6**

C. Office of the Prosecutor

(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	15 282.7	21 790.8	21 826.6	20 606.7
Other staff costs				
General temporary assistance	376.3	1 218.8	4 908.6	3 020.1
Temporary assistance for meeting	-	-	-	-
Overtime and night differential	51.8	48.8	76.3	87.2
Total, Other staff costs	**428.1**	**1 267.6**	**4 984.9**	**3 107.3**
Consultants and experts	97.5	68.3	80.0	92.1
Travel	1 571.6	2 141.1	2 669.0	2 162.3
Contractual services				
Training	28.0	10.8	41.8	50.3
Total, Contractual services	**28.0**	**10.8**	**41.8**	**50.3**
Staff assessment	2 823.4	4 498.5	5 391.4	5 068.9
Total, gross requirements	**20 231.3**	**29 777.1**	**34 993.6**	**31 087.6**
Income from staff assessment	2 823.4	4 498.5	5 391.4	5 068.9
Total, net requirements	**17 407.9**	**25 278.6**	**29 602.2**	**26 018.7**

D. Registry

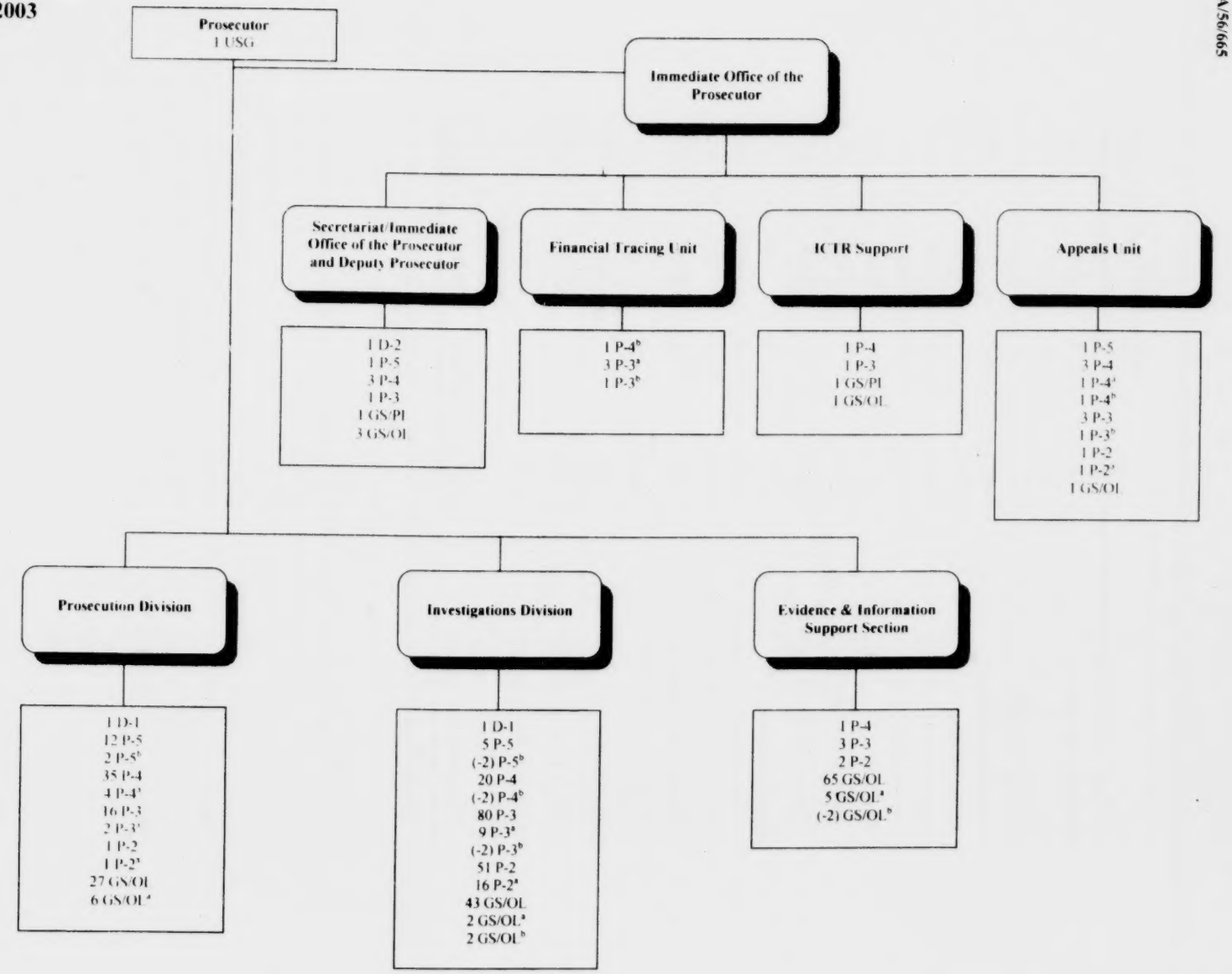
(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	13 375.8	19 893.7	22 190.5	20 347.2
Other staff costs				
General temporary assistance	565.4	661.2	1 321.9	1 073.7
Temporary assistance for meeting	2 399.5	1 617.3	2 337.6	2 141.6
Overtime and night differential	263.4	360.4	360.4	267.2
Total, Other staff costs	**3 228.3**	**2 638.9**	**4 019.9**	**3 482.5**

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Consultants and experts	68.3	27.4	104.9	38.1
Travel	1 288.5	1 193.6	1 162.2	1 172.9
Contractual services				
Defence counsel	9 060.2	11 736.8	10 831.5	11 708.1
Detention guards	1 288.7	2 552.9	2 958.9	4 008.7
Translation	181.0	194.4	321.6	547.4
Verbatim reporting	569.5	758.9	748.7	827.2
Training	141.7	212.6	372.3	315.0
Other contractual services	258.3	493.7	559.8	568.7
Total, Contractual services	**11 499.4**	**15 949.3**	**15 792.8**	**17 975.1**
Official hospitality	4.4	1.5	2.6	0.7
General operating expenses	5 432.2	7 399.2	8 185.3	7 037.2
Supplies and materials	520.7	718.3	1 105.0	1 120.2
Acquisition of equipment	3 249.6	4 001.7	4 480.7	3 215.1
Construction, alterations, improvements	280.6	-	418.9	-
Staff assessment	2 988.2		5 508.0	5 306.1
Total, gross requirements	**41 936.0**	**51 823.6**	**62 910.8**	**59 695.1**
Income from staff assessment	2 988.2		5 508.0	5 306.1
Other income	-		5.2	56.9[a]
Total, net requirements	**38 947.8**	**51 823.6**	**57 397.7**	**54 332.1**

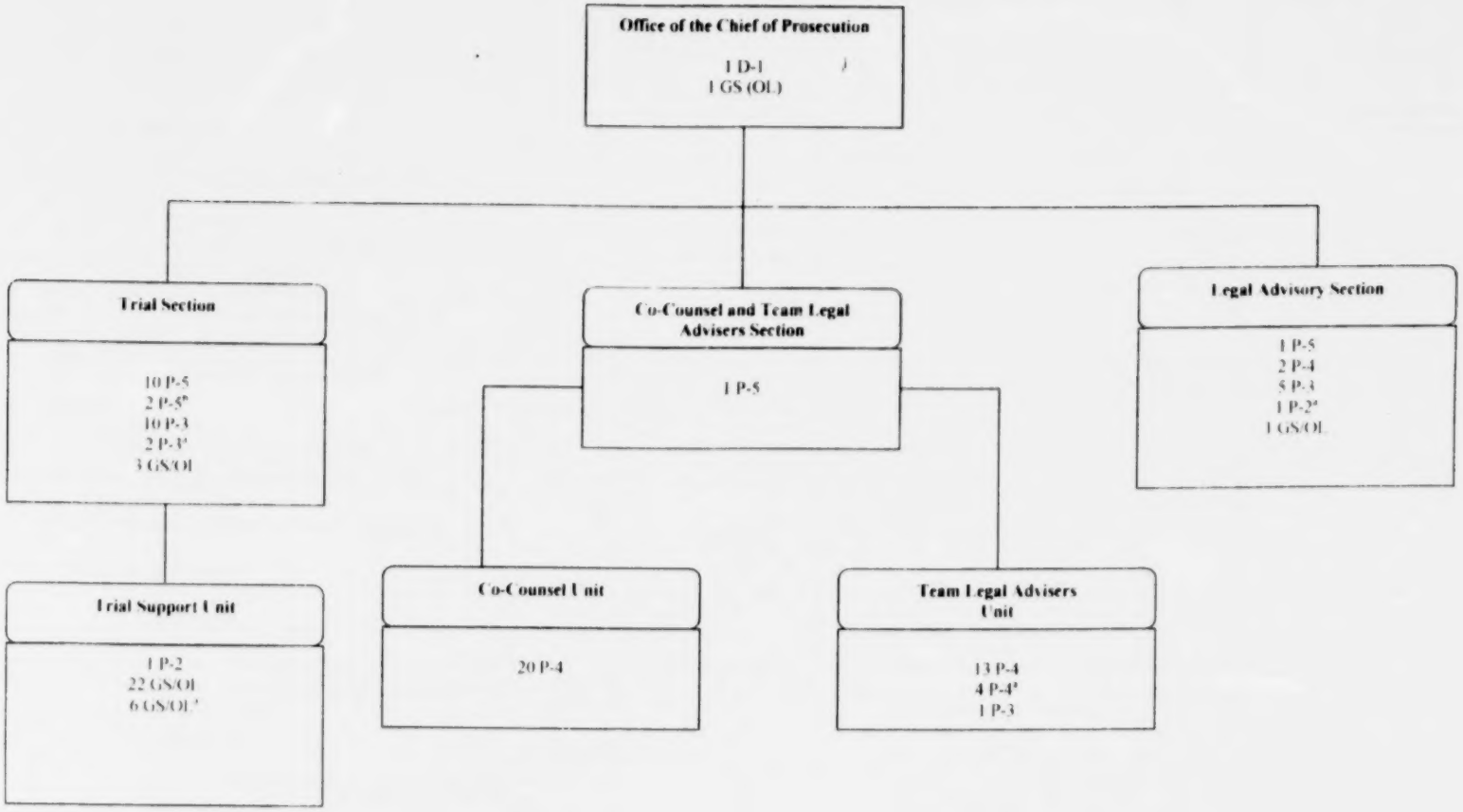
[a] This includes a $47,000 one-time non-recurrent sale of vehicles.

Annex II
Office of the Prosecutor: Proposed 2002-2003



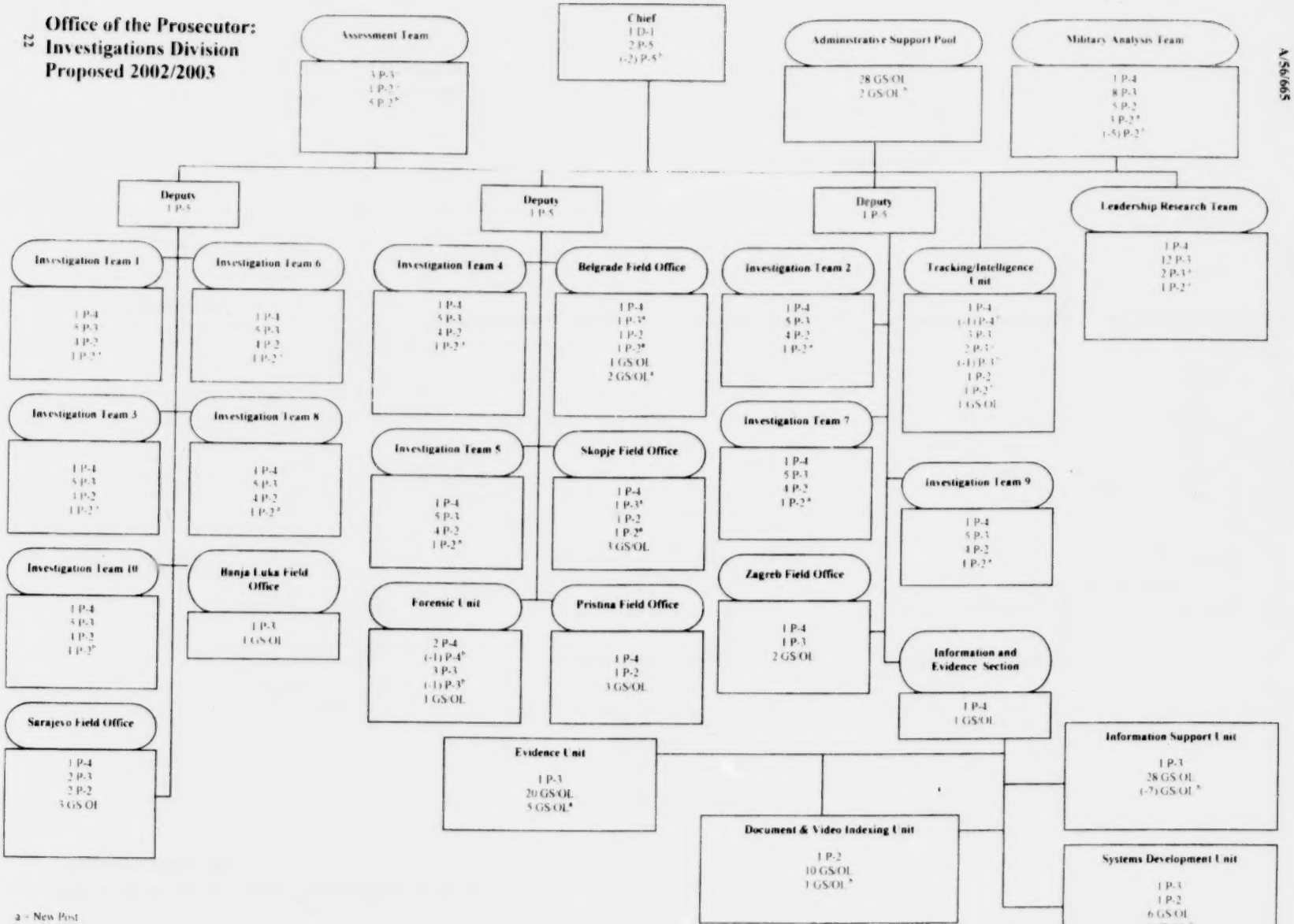
a= New Post
b = Redeployed Post

Office of the Prosecutor: Prosecution Division
Proposed 2002-2003



[a] New posts
[b] Redeployed

Office of the Prosecutor: Investigations Division Proposed 2002/2003



a = New Post

b - Redeployed Post

Annex III

ICTY Vacancy of as 31 October 2001 - Breakdown by main organisational units of each organ

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total P	PL	OL	SS	LL	FS	NO	Total GS	Total
Office of the Prosecutor																	
Authorized	1	0	1	2	19	63	104	55	**245**	2	140	0	0	0	0	**142**	**387**
Vacant	0	0	0	1	2	7	6	3	**19**	1	6	0	0	0	0	**7**	**26**
Immediate Office of the Prosecutor																	
ICTR Support						1	1		**2**	1						**1**	**3**
Appeals Unit								1	**1**		1					**1**	**2**
Prosecution Division																	
Trial Section					1				**1**		2					**2**	**3**
Co-Counsel & Team Legal Advisers Section					1	4	1		**6**							**0**	**6**
Investigations Division																	
Office of the Chief, Investigations Unit				1					**1**		1					**1**	**2**
Criminal Investigations Unit						2	2	2	**6**							**0**	**6**
Information & Evidence Unit							1		**1**		2					**2**	**3**
Leadership Research Section							1		**1**							**0**	**1**
Total Office of the Prosecutor	**0**	**0**	**0**	**1**	**2**	**7**	**6**	**3**	**19**	**1**	**6**	**0**	**0**	**0**	**0**	**7**	**26**
Registry																	
Judicial Support Division																	
Chambers Legal Support Division					1			4	**5**		2					**2**	**7**
Court Management and Support Section									**0**		3					**3**	**3**
Detention Unit									**0**		1					**1**	**1**
Office of Legal Aid & Detention Matters									**0**		1					**1**	**1**
Adminstration Division									**0**							**0**	**0**
Office of the CAO					1				**1**							**0**	**1**
Finance Section								1	**1**		1					**1**	**2**
General Services Section							1		**1**		2					**2**	**3**
Information Technology Support Services							1		**1**		6					**6**	**7**
Conference and Language Support Section									**0**							**0**	**0**
Office of the Chief									**0**		1					**1**	**1**
Interpretation Unit						1	2		**3**							**0**	**3**
English Translation Unit						3	4	2	**9**		1					**1**	**10**
French Translation Unit									**0**		3					**3**	**3**
Terminology Unit									**0**		2					**2**	**2**
Procurement Section						1			**1**	1						**1**	**2**
Security and Safety Section									**0**			20				**20**	**20**
Registry/Legal and Witnesses Support Division					1			2	**3**		6					**6**	**9**
Total for the Registry	**0**	**0**	**0**	**0**	**3**	**5**	**8**	**9**	**25**	**1**	**29**	**20**	**0**	**0**	**0**	**50**	**75**
Overall Total	**0**	**0**	**0**	**1**	**5**	**12**	**14**	**12**	**44**	**2**	**35**	**20**	**0**	**0**	**0**	**57**	**101**

Annex III

Vacancies as at 31 October 2001 — Breakdown by main organizational units of each organ

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/P-1	Total Professional	Principal level	Other levels	Security Service	Local level	Field Service	National Officers	Total General Service	Total
Office of the Prosecutor																	
Authorized	1	–	1	2	19	63	104	55	**245**	2	140	–	–	–	–	**142**	**387**
Vacant	–	–	–	1	2	7	6	3	**19**	1	6	–	–	–	–	**7**	**26**
Immediate Office of the Prosecutor																	
ICTR Support						1	1		**2**	1						**1**	**3**
Appeals Unit								1	**1**		1					**1**	**2**
Prosecution Division																	
Trial Section					1				**1**		2					**2**	**3**
Co-Counsel and Team Legal Advisers Section					1	4	1		**6**							**–**	**6**
Investigations Division																	
Office of the Chief, Investigations Unit				1					**1**		1					**1**	**2**
Criminal Investigations Unit						2	2	2	**6**							**–**	**6**
Information and Evidence Unit							1		**1**		2					**2**	**3**
Leadership Research Section							1		**1**							**–**	**1**
Total, Office of the Prosecutor	–	–	–	1	2	7	6	3	**19**	1	6	–	–	–	–	**7**	**26**
Registry																	
Judicial Support Division																	
Chambers Legal Support Division					1			4	**5**		2					**2**	**7**
Court Management and Support Section									**–**		3					**3**	**3**
Detention Unit									**–**		1					**1**	**1**
Office of Legal Aid and Detention Matters									**–**		1					**1**	**1**
Administration Division																	
Office of the Chief Administrative Officer					1				**1**							**–**	**1**

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/P-1	Total Professional	Principal level	Other levels	Security Service	Local level	Field Service	National Officers	Total General Service	Total
Finance Section								1	1		1					1	2
General Services Section							1		1		2					2	3
Information Technology Support Services							1		1		6					6	7
Conference and Language Support Section																	
Office of the Chief									–		1					1	1
Interpretation Unit						1	2		3							–	3
English Translation Unit						3	4	2	9		1					1	10
French Translation Unit									–		3					3	3
Terminology Unit									–		2					2	2
Procurement Section						1			1	1						1	2
Security and Safety Section									–			20				20	20
Registry/Legal and Witnesses Support Division					1			2	3		6					6	9
Total Registry	–	–	–	–	**3**	**5**	**8**	**9**	**25**	**1**	**29**	**20**	–	–	–	**50**	**75**
Overall total	–	–	–	**1**	**5**	**12**	**14**	**12**	**44**	**2**	**35**	**20**	–	–	–	**57**	**101**

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Agenda item 132
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the financial performance of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2000 (A/56/500) and on the proposed budget for the Tribunal for the biennium 2002-2003 (A/56/497 and Add.1). During its consideration of the reports, the Advisory Committee met with the Registrar and the Acting Policy Coordinator in the Office of the Prosecutor, as well as with other representatives of the Tribunal and of the Secretary-General, who provided additional information.

Financial performance report for the period from 1 January to 31 December 2000

2. As indicated in the table in section II of the financial performance report (A/56/500), a total of $86,154,900 gross ($78,170,200 net) was appropriated by the General Assembly for the Tribunal for the period from 1 January to 31 December 2000. The

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recorded expenditure for the period amounted to $83,144,800 gross ($75,817,300 net), leaving an unencumbered balance of $3,010,100 gross ($2,352,900 net).

3. **With regard to the presentation of the financial performance report, the Advisory Committee requests that the reports be restructured in future. The format and content of the report should follow those of the budget estimates for the Tribunal and should include programme performance information. The summary table should be accompanied by tables on appropriation and expenditure for each of the three organs of the Tribunal by object of expenditure. In addition, the report should indicate performance in terms of the benchmarks used to estimate requirements. For example, where work-months and number of missions are used as the basis for estimating resource requirements under non-staff and travel costs, the performance report should indicate performance in work-months and number of missions. In view of the fact that the budget is now submitted biennially, the financial and programme performance report should be submitted annually.**

4. The Advisory Committee notes the decrease of $5,106,300, or 9.36 per cent, in relation to the appropriation of $54,554,900 under posts, reflecting the high vacancy rate experienced by the Tribunal during the period. As indicated in paragraph 2 of the report, the vacancy factors used in the budget estimates were 19 per cent for Professional staff and 13 per cent for General Service and related categories of staff for continuing posts, and 60 per cent and 50 per cent respectively for new posts. The actual average vacancy rates for the period were 22.5 per cent for Professional staff and 13.3 per cent for General Service staff. The Advisory Committee exchanged views on this issue with the Registrar, who indicated that innovative measures were needed to attract and retain staff. Upon request, the Committee was provided with additional information concerning incentives that were under consideration (see para. 17 below).

5. The performance indicators contained in the annex to the financial performance report indicate significant underperformance in relation to projections in a number of work areas of the Tribunal. In the Office of the Prosecutor, for example, of the four trials expected to be completed in 2000, only two were completed. Of the 20 projected arrests, 5 were carried out. In the Witnesses and Victims Support Section, considerable underperformance is evident in nearly every area. For example, of the total projected workload of 3,367 tasks, only 1,406, or 41.8 per cent, were completed.

6. The performance situation has improved, however. Upon request, the Advisory Committee was provided with an update of annex IV to the budget estimates for the Tribunal for the biennium 2002-2003 (A/56/497/Add.1) showing estimated and actual workload completed for 2001 as at 31 October 2001. According to the update, 68 per cent of the projected workload of the Witnesses and Victims Support Section for both the prosecution and the defence for 2001 had been completed as at 31 October, the bulk of it for the prosecution. The Committee also notes from the update that 58 per cent of the projected workload of the Office of the Prosecutor for 2001 had been completed as at 31 October. In this connection, the Committee notes, as indicated in the budget estimates, that the pace of work of the Tribunal has accelerated and the number of accused on trial has increased in 2001 to a total of 17 (A/56/497, para. 6). The Committee has taken some of these performance results into account in formulating its recommendations in the paragraphs below.

7. The financial performance report shows an overexpenditure of $3,849,400 in relation to the appropriation of $7,400,000 under contractual services (A/56/500, para. 8), including defence counsel costs of $2,070,100 for fee claims for 1999 and $827,200 for partial payments for 2000. Upon enquiry, the Advisory Committee was informed that the overexpenditure for defence counsel costs was due largely to poor monitoring and claims processing and that the projected expenditure for 2001 for such costs as at 30 September 2001 amounted to $7,256,400.

Proposed budget for the biennium 2002-2003

8. Paragraphs 1 to 18 of the report on the budget estimates of the Tribunal for the biennium 2002-2003 (A/56/497) describe the developments that have affected the operation of the Tribunal. Chief among these is the accelerated pace of trials (ibid., paras. 5-6). The Advisory Committee welcomes this development.

9. The Advisory Committee was provided with information and statistics as at 21 November 2001 on

the completion of eight trials since 1997 involving nine accused persons. One case was withdrawn and is subject to a hearing by the Appeals Chamber; seven of the convicted lodged appeals, five of which have been settled by the Appeals Chamber and two of which are pending; and there was one acquittal of an accused person in 2001 that is currently before the Appeals Chamber. As stated above, there are at present 7 ongoing trials involving 17 accused persons. In addition, approximately 9 cases involving 27 indicted persons are in the pre-trial stage. Twenty-one arrest warrants have been issued against accused persons who remain at large.

10. The Advisory Committee welcomes the fact that a management review of the Tribunal has been undertaken by the Department of Management (see A/56/497, para. 16). Upon enquiry, the Committee was informed that a number of the recommendations resulting from the review had already been implemented and that resources to implement others had been included in the estimates. The Committee requested details concerning the resources included in the estimates for that purpose (see annex I).

11. The Advisory Committee notes that the Tribunal has implemented a number of measures intended to control and monitor more closely the legal aid regime and defence counsel costs (see ibid., paras. 15-16). However, in the opinion of the Committee, the results of the implementation of these measures are not as yet apparent (see also para. 44 below).

12. The important question of long-term planning for the enforcement of sentences, which was highlighted by the Advisory Committee in its report to the General Assembly at its fifty-fifth session (A/55/643, para. 63), is still pending. The Committee had requested that a report on that issue be submitted to the General Assembly; the Assembly endorsed the request in paragraph 9 of its resolution 55/226 of 23 December 2000. The Committee understands that the Secretary-General will submit the report to the Assembly in the spring of 2002. **The Committee reiterates its concern on this issue and regrets the delay in submission of the report.** In connection with the enforcement of sentences, the Committee was informed that, following a ruling by the Office of Legal Affairs, the $250,000 appropriated for this purpose for 2001 had not been fully utilized (see paras. 47-49 below).

13. The overall level of resources proposed for the Tribunal for the biennium 2002-2003 (in its first biennial submission) amounts to $204,407,900 gross ($186,998,500 net), reflecting an increase before recosting of $24,278,200 gross ($23,025,100 net), or 13.4 per cent, over the 2000-2001 appropriation. After recosting, the estimate is $198,523,800 gross ($179,015,300 net), reflecting the impact of provision for inflation of $26,690,500, which is offset by the combined impact of reductions due to favourable exchange rates ($29,621,900), salary standard cost changes ($2,952,700) and increased income from staff assessment ($2,099,100) (A/56/497, para. 19, and A/56/497/Add.1, annex I).

14. Extrabudgetary resources projected for the period amount to $3,079,900 (A/56/497, table 3). The Advisory Committee notes that only two Member States had contributed or pledged to contribute to the Voluntary Fund for the Tribunal in 1999 and 2000 (see A/56/497/Add.1, annex VII, para. 3). The Committee was informed that fund-raising efforts were being intensified. Upon enquiry, representatives of the Tribunal informed the Committee that some extrabudgetary funds were tied; an amount of $200,000 was cited as having been earmarked by a donor for investigation.

15. The proposed staffing table for the biennium 2002-2003 comprises 973 posts, reflecting an increase of 101 posts (6 for the Office of the Prosecutor and 95 for the Registry), 6 of which are to be converted from general temporary assistance funds. Of the 95 new posts proposed for the Registry, 60 are for judicial support and 35 are for administrative support and language services. In addition, five reclassifications are proposed (4 upward and 1 downward).

16. The Advisory Committee notes that high vacancy rates continue to plague the Tribunal (ibid., annex III). Vacancy rates in the Professional category ranged from 27.8 per cent to 20.3 per cent for the months of January to October 2001. In the General Service and related categories, the rate ranged from 16.4 to 10.3 per cent. **The Committee reiterates its view that it is not possible to accurately determine requirements for additional personnel in the Tribunal until vacancies are considerably reduced (see A/54/646, paras. 22 and 55).** The Committee notes that in the estimates for 2002-2003, vacancy factors of 20 per cent and 10 per cent respectively were used for Professional and General Service staff, with the proviso that should the

efforts being made by the Tribunal result in a higher rate of post encumbrance, the General Assembly would be informed accordingly (see A/56/497, para. 69). **The Committee agrees with this procedure.**

17. On the recommendation of the Advisory Committee (A/55/643, para. 18), the Tribunal has instituted two-year contracts for staff members. The Committee notes that while this has, as yet, had little effect on the vacancy situation, it has improved planning and enhanced the efficiency of human resources management (see A/56/497, para. 17). The Committee was briefed on a number of initiatives to improve conditions of service. It was informed, however, that no decision had been taken on them. **The Committee observes that any such initiative should be considered within the framework of the salaries and allowances in the United Nations common system, and urges neighbouring United Nations headquarters to offer any assistance possible.**

18. The Advisory Committee recalls that, in the context of its consideration of the proposed budget for the Tribunal for 2001, it was informed that the nature of investigation had changed; all targets had been identified, and the priority was the investigation of fact and the indictment, tracking and arrest of suspects. The Committee understands that the functions of the Kigali office are now mainly concerned with tracking. **Accordingly, the Committee had expected a clearer indication in the budget estimates of the results of a rigorous review of the administrative and support services and related expenditures of the Kigali office, as well as an indication as to whether the proposals for the transfer of posts involving Kigali were the result of the review. The Committee requests that such information be included in the next budget estimates.**

19. The separate request for ad litem judges, mentioned in paragraph 6 of the report, if approved, will affect the estimates. Upon enquiry, the Advisory Committee was informed that the matter was currently before the Security Council and that a decision was expected some time in December. The Committee will take up any requests for additional resources after the Council has taken a decision on the question.

20. The Advisory Committee notes that the Prosecutor has not set a target date for the conclusion of first instance trials, as she has done for the International Tribunal for the Former Yugoslavia. It is clear, however, that if the last indictments are to be presented at the end of 2005, as projected by the Prosecutor (see para. 27 below), the related arrests and trials would take some time beyond that date. Upon enquiry, the Committee was informed that after arrest the average period of detention before an accused was brought to trial was 2 years, 9 months, and that the average trial length was 12 to 18 months. The Committee was also informed that the average length of trials in the International Tribunal for the Former Yugoslavia was 12 months.

21. **On the basis of testimony and information provided, it is the view of the Advisory Committee that there does not appear to be a firm, realistically achievable exit strategy for the completion of the work of the Tribunal. In this connection, the Committee recalls its report on the International Tribunal for the Former Yugoslavia to the General Assembly at its fifty-fifth session, in which it commented that a realistic assessment should be made of the steps and measures needed to meet stated goals and, further, that it was difficult to focus on a specific date to complete the mandate of the Tribunal until it was known when investigations would be completed and what the final number of detainees awaiting trial would be (see A/55/642, para. 12).**

The Chambers

22. **The Advisory Committee requests that, in future, the section of the budget report dealing with the Chambers contain information similar to that of the report of the International Tribunal for the Former Yugoslavia (see A/56/495, para. 13).**

23. The Advisory Committee enquired about courtroom usage, as well as about travel and extrajudicial activities that required judges to be away from Arusha. With regard to travel, the Committee recalls its comment in its report to the General Assembly at its fifty-fifth session that the frequent absence of judges affects the speedy commencement or completion of trials in which the travelling judges are involved and its view that judicial activities, particularly those of the President, should take precedence over public relations activities and attendance at external meetings (see A/55/643, para. 27). **The information provided to the Committee indicated that judges now spend much more time in**

Arusha than previously. The Committee welcomes this development (see also para. 24 below).

24. With respect to courtroom usage, the Advisory Committee notes that 442 courtroom days were projected for 2000, of which 237 were realized (see A/56/500, annex). For 2001, the projection was for 450 courtroom days, 286 of which had been realized as at 6 November, according to information provided to the Committee. The estimate for 2002-2003 is for 1,300 days, or 650 days per year. **The Committee considers the courtroom usage to be somewhat low and trusts that as the pace of trials and other judicial activities increases, the level of productivity will also rise. In this regard, the Committee welcomes the information that, in the courtroom, the judges now work for longer hours and that their court workweek has been increased from four days to five. The Committee requests that similar information be provided for the International Tribunal for the Former Yugoslavia.**

25. With regard to the use of the "twin-tracking" method to schedule two or three trials in each of the three chambers, the Advisory Committee points out that this practice means that a large number of defence and prosecution personnel is required to be available to be called in chambers at all times. If all three chambers operate simultaneously, the logistical problems and expenditures could be quite considerable, and if scheduling is not done effectively, the attempt to save time may instead lead to further delays and additional costs. **The Committee requests that a review be made of the twin-tracking method of scheduling multiple trials in each of the three chambers with a view to ascertaining whether the method is indeed cost-effective.**

Office of the Prosecutor

26. The estimate for the Office of the Prosecutor for the biennium 2002-2003 amounts to $49,824,000 gross ($44,202,000 net) before recosting, reflecting an increase of $3,185,400 gross ($2,994,900 net), or 6.8 per cent, over the appropriation for 2000-2001. The estimates include a request for six additional Local level posts in Kigali for language assistants, the redeployment from Kigali to Arusha of two P-4 legal advisers and four Professional and five General Service staff in the Information and Evidence Support Section and the reclassification of the Commander of the Investigations Division from P-4 to P-5 (A/56/497/Add.1, annex IV, paras. 8-10 and 16-18). **The Advisory Committee found the presentation of the estimates and objectives for this Office to be clearly formulated.**

27. The Advisory Committee notes from the information before it that the Office of the Prosecutor plans to undertake and complete up to 136 new investigations and related indictments by the end of 2005 as follows: 29 by the end of 2001, 30 each for the years 2002 to 2004 and 17 in 2005 (see A/56/351-S/2001/863 and Corr.1, para. 120). The Committee notes that the Prosecutor's strategy is to complete all new investigations by the end of 2004 and to present the last indictments by the end of 2005 (see A/56/497, para. 35). To accomplish that goal, the Tribunal would need to resort to the use of ad litem judges. The strategy involves six trials running concurrently to be twin-tracked in each of the three trial chambers. In this connection, the Committee points out that it cannot be known how many indictments or trials will result from the new investigations; however, the Committee notes the estimate of up to 55 indictments and 20 arrests for the biennium (see A/56/497, para. 41 (a)). The Committee was informed that of the seven trials currently under way, four were to be completed in 2002 and three in 2003.

28. The Advisory Committee was informed that as at 31 October, 35 posts in the Office of the Prosecutor were vacant, including one D-2 and one D-1. The Committee notes that the D-2 post is that of the Deputy Prosecutor in Kigali and the D-1 post is that of the Chief of Prosecution in Arusha. The Committee understands that these two important posts have been vacant for quite awhile — more than a year for the Chief of Prosecution and since May for the Deputy Prosecutor. At present, there is no indication as to when those posts will be filled. The Committee understands that for the time being the Office of the Prosecutor in Kigali is represented by the resident Chief of Investigations.

29. **The Advisory Committee is very concerned about the impact this situation has on the effectiveness of the prosecutorial and investigative activities of the Tribunal. The situation not only stalls the full implementation of the vital work of the Office of the Prosecutor, it also leads to costly expenditures by the Prosecutor and accompanying staff for travel to and from Arusha, Kigali and The**

Hague. The Committee is of the view that immediate steps should be taken, with the assistance of Headquarters, to fill those positions without further delay. Furthermore, in order to ensure the rapid filling of posts, flexibility should be granted in implementing recruitment procedures, particularly as regards the length of time for which vacancies must be posted. The Committee points out that the longer the high rate of vacancies persists in the Tribunal, the greater the potential for larger future expenditures by Member States due to the longer period of time that the Tribunal would take to complete investigations and carry out subsequent trials.

30. The Advisory Committee recalls that, in the budget estimates for the Tribunal for 2001, the Secretary-General had proposed a new Prosecution Appeals Section in Arusha (see A/55/512 and Corr.1, annex II, paras. 25 and 26). Four posts (1 P-5, 1 P-4, 1 P-2 and 1 Local level) were approved by the General Assembly for the Section. The P-5 post for the senior appeals attorney was transferred from The Hague. The reason given for establishing the Section in Arusha was that it was envisaged that the majority of the Tribunal's appeal cases would be heard in Arusha and that the repository of Tribunal trial documents would be located in Arusha (ibid., para. 25). Upon enquiry, the Committee was informed that the posts were still vacant but were under recruitment, and that the Prosecutor was proposing the redeployment of all except the P-2 post and the Local level post to The Hague, although there is no mention of the proposed redeployments in the budget. No reason was given for this proposal. **The Committee has serious reservations about what appears to be an arbitrary decision that may adversely affect the operations of the Office of the Prosecutor in Arusha. In the opinion of the Committee, these posts should remain in Arusha, as approved by the General Assembly.**

31. Six new posts for language assistants are proposed (A/56/497, annex IV, para. 18). Upon enquiry, the Advisory Committee was informed that this function was being carried out under general temporary assistance and that the proposal was to convert the positions to regular posts. There is a corresponding reduction of $500,000 under other staff costs (A/56/497, para. 54 (a)). **The Committee recommends acceptance of the request for six new General Service (Local level) posts for language assistants.**

32. **The Advisory Committee recommends against the reclassification of the P-4 post of investigator to a P-5 post for a commander to coordinate, among other things, activities related to requests for new investigations, requests for sketch maps, visits to crime scenes and background checks on defence and prosecution witnesses. The Committee is of the view that an individual at the P-4 level or lower could coordinate those activities.**

33. An amount of $525,800 is requested for the Office of the Prosecutor under consultants and experts, an increase of $136,900 over the appropriation for 2000-2001 (A/56/497, para. 43). The Advisory Committee was informed that of the $195,100 appropriated for consultants and experts for 2001, $75,165 had been spent as at 30 September 2001. As indicated in the performance report for 2000, there was an underexpenditure of $249,200 under consultants and experts for the Tribunal as a whole resulting from the lower than anticipated number of expert witnesses used by both the prosecution and the defence and the use of only four out of the five consultants provided for in the budget (A/56/500, para. 5). For 2002-2003, the estimate for the Office of the Prosecutor is based on a projection of 3 expert witnesses per trial in 2002 and 2 per trial in 2003, for a total of 30 expert prosecution witnesses. **In view of the past expenditure trends under this item, the Committee recommends the appropriation of $400,000 for consultants and experts for the Office of the Prosecutor.**

34. The estimate for travel for the Office of the Prosecutor amounts to $3,310,000, reflecting an increase of $1,482,600 as compared with the appropriation for 2000-2001. Resources are requested for travel in relation to investigations ($1,300,000) and of tracking teams ($900,000) and travel of the Prosecutor, Deputy Prosecutor, trial teams, appeals counsel and other staff of the Office of the Prosecutor ($1,110,000) (A/56/497, para. 44). For 2001, the requests were $312,900 for investigations, $299,500 for tracking teams and $326,300 for the Office of the Prosecutor. Upon enquiry, the Committee was informed that as at 31 October 2001, $315,449 had been spent for travel for investigations, $280,254 for tracking teams and $333,071 for the Office of the Prosecutor. **Under the circumstances, the Committee**

recommends the appropriation of a total of $3 million under travel for the Office of the Prosecutor.

35. An amount of $900,000 is proposed for general operating expenses for the Office of the Prosecutor to cover the operational expenses of the Intelligence Tracking Unit, which is carrying out inquiries, through agents, sources and contacts, relating to 91investigation targets, 34 of whom are believed to be in Africa, 25 in Europe and the balance in unknown locations (ibid., paras. 44 (b) and 45). For 2001, the projection for general operating expenses was $388,000. The Advisory Committee was informed that as at 31 October $174,073 had been spent. **The Committee requests that information on the effectiveness of missions and the overall performance of the Intelligence Tracking Unit be included in future performance reports and estimates. The Committee recommends acceptance of the request for general operating expenses.**

The Registry

36. The estimate for the Registry for 2002-2003 totals $150,052,500 gross ($138,265,100 net) before recosting, an increase of $20,449,900 gross ($19,387,300 net), or 15.7 per cent, over the 2000-2001 appropriation of $129,602,600 gross ($118,877,800 net) (ibid., table 9). The requested resources would provide for 757 posts, including 20 new Professional posts and 75 new posts in the General Service and related categories (ibid., tables 9 and 10). The Advisory Committee notes that some of the General Service posts represent conversions of posts previously funded from general temporary assistance (see ibid., para. 53).

37. For 2001, the Advisory Committee recommended approval of 49 additional posts for the Registry (A/55/643, paras. 36-53). The Registry has experienced vacancy rates of over 20 per cent for the first eight months of 2001 (A/56/497/Add.1, annex III). Upon enquiry, the Committee was informed that the vacancy rate for both September and October was 22 per cent. It appears to the Committee that the lower projections for November and December indicated in annex III to the budget may be overly optimistic in the light of past experience. For example, projected vacancy rates for Professional staff for the months of September to December 2000 were 21.8, 19.9, 18.4 and 13.5 per cent respectively (A/55/512 and Corr.1, annex III). The Committee was informed that the actual rates were 21.5, 21.2, 22.7 and 20.9 per cent. In this connection, the Committee notes also that although the Tribunal was able to recruit 92 staff in 2001, 51 staff members left the organization during the period (see A/56/497/Add.1, annex VIII.B, para. 16). Upon enquiry, the Committee was informed that a total of 170 personnel had been recruited under general temporary assistance for various services in the Tribunal in 2001.

38. The Advisory Committee exchanged views with the Registrar on delegation of authority. It was informed that the Registrar had authority for recruitment up to and including the D-1 level. Vacancies were normally advertised for 60 days; however, in accordance with paragraph 3 of section IV of General Assembly resolution 55/258 of 14 June 2001, unplanned vacancies were advertised for 30 days. **The Committee recommends that the 30-day procedure be followed for all senior Professional posts in the Tribunal (see also para. 29 above).**

39. An amount of $4,619,400 is requested under other staff costs for 2002-2003, comprising $2.5 million for general temporary assistance, $600,000 for overtime and $1,519,400 for contractual security services (A/56/497, para. 54). For 2000, $1,500,000 was requested for general temporary assistance and $300,000 for overtime. **Given the high vacancy rates in the Tribunal and the consequent need to resort to general temporary assistance funds and overtime, the Committee recommends acceptance of the estimate for other staff costs.**

40. An amount of $460,200 is requested for consultants and experts (ibid., para. 55). In 2001, $251,400 was requested for fees for 20 expert witnesses and the services of consultancy firms to assess the payroll and accounting system of the Tribunal and to review the court management system (A/55/512 and Corr.1, para. 56). The estimate for 2002-2003 is based on the assumption that, on average, two expert witnesses for the defence will be called for each accused person. It is anticipated that 21 accused will be on trial and 42 expert witnesses will be brought to Arusha during the biennium at a cost of $309,200. In addition, technology consultants will be required to design and implement the Tribunal's Intranet site ($20,000), to implement an electronic filing system for the Court Management Section ($25,000) and to study the impact of technology on the Tribunal ($25,000).

The latter is requested owing to the fact that there is a considerably increased use of automated products and equipment within the Tribunal, but there has been no subsequent reduction in manpower or in paperwork as a result of this new technology (A/56/497, para. 55 (d)). **The Advisory Committee welcomes this concern and expresses the hope that an expenditure of $25,000 will provide the results to resolve this apparent contradiction. The Committee recommends approval of the request of $460,200 for consultants and experts.**

41. An amount of $2,240,000 is requested for the Registry for travel, an increase of $1,053,000 over the appropriation for 2000-2001 (ibid., para. 56). The estimates include provision for travel of Registry staff ($1,200,000), travel of members of the Office of Internal Oversight Services for internal audit ($40,000), travel and allowances of witnesses for the prosecution and the defence ($900,000) and travel of staff for the medical evacuation of detainees ($100,000). The amounts requested for 2001 were $271,900 for travel of Registry staff, $18,900 for travel of members of the Office of Internal Oversight Services and $310,400 for travel and allowances of witnesses (A/55/512 and Corr.1, para. 57).

42. The Advisory Committee notes that the estimate for travel of witnesses is based on the assumption that approximately 600 witnesses for the prosecution and 315 for the defence will be brought to Arusha during the biennium (see A/56/497, para. 56 (b)). In this connection, the Committee notes from the financial performance report for the Tribunal for 2000 that the total number of witnesses projected to be called for that year for both the prosecution and the defence was 210; the actual number called was 61 (see A/56/500, annex). For 2001, the estimate was for 240 witnesses for the prosecution and 100 for the defence; the Committee was informed that as at 31 October 2001, 145 prosecution witnesses and 1 defence witness had been called (A/56/497/Add.1, annex VI). **On the basis of past experience, the estimate of a total of 915 witnesses to be called in 2002-2003 appears to the Committee to be rather high. Accordingly, the Committee recommends approval of an amount of $2,100,000 for travel of the Registry.**

43. Requirements of $20,535,400 are estimated for contractual services for the Registry in the biennium 2002-2003, an increase of $6,806,100 over the appropriation for 2000-2001 (A/56/497, para. 57). The bulk of the requirement is for defence counsel ($18,991,200), and it is based on the expectation that the number of accused persons will increase from 46 to 86 during the biennium. The Advisory Committee recalls that for 2001, $7,931,800 was requested, of which $6,365,600 was for defence counsel, and that as at 30 June 2000 there were 41 lead defence counsel and 19 co-counsel representing the defendants (see A/55/512 and Corr.1, para. 58). Upon enquiry, the Committee was informed that as at 30 September 2001, the expenditure for defence counsel amounted to $7,256,400 and that there were 46 lead counsel, 30 co-counsel and 3 detainees with duty counsel as at 31 October 2001.

44. The Advisory Committee enquired about the effectiveness of the changes that have been introduced to manage, monitor and control the legal aid system. The information provided orally was not sufficient for the Committee to form an opinion as to the adequacy of those measures. **The Committee is of the opinion that there is a need to ensure the effective operation of oversight mechanisms in the Tribunals. Accordingly, the Committee requests that in its next audit, the Board of Auditors carry out a special evaluation of the effectiveness of the means available, including staff and non-staff assets, to manage, monitor and control the expenses of the Tribunal's legal aid system.**

45. **For the reasons given in the foregoing paragraphs, the Advisory Committee recommends approval of $19,500,000 out of the amount of $20,535,400 requested for contractual services for the Registry.**

46. A total of $14,274,600 is requested for the Registry under general operating expenses, an increase of $3,376,900 over the appropriation for 2000-2001 (A/56/497, para. 59). The estimate includes an amount of $4,567,000 for rental of premises. It also includes resources for general maintenance of the facilities at Arusha and Kigali ($815,800); electricity, water and diesel fuel for generators for premises at Arusha and Kigali ($1,122,200); rental and operation of fixed-wing aircraft ($1,752,000); commercial communications ($2,821,900); miscellaneous services ($3,193,800); and bank charges, insurance costs and freight charges ($817,700).

47. Under miscellaneous services, estimates include witness support and protection costs, which are

estimated at $640,000. The information before the Advisory Committee indicates that performance in this area is consistently lower than projected (see para. 42 above). Also included is an estimated requirement of $773,500 to meet costs relating to the enforcement of sentences, including the maintenance and medical care of prisoners and inspection costs (ibid.). Upon request, the Committee was provided with breakdowns of both the estimated requirement of $773,500 (see annex II below) and the daily cost of maintaining prisoners (see annex III below). The Tribunal has signed agreements with the Governments of Mali and Benin to provide prison facilities, and negotiations are under way with four other countries.

48. The Advisory Committee recalls that, in his budget proposal for the Tribunal for 2001, the Secretary-General had requested an amount of $250,000 for enforcement of sentences in respect of the agreement with Mali and Benin, which was to include the cost of upgrading the prison facilities ($213,500) and maintenance of prisoners ($36,500) (see A/55/512 and Corr.1, para. 60 (g)). In its report, the Committee concluded that the enforcement of sentences was an important emerging issue that was being handled in an ad hoc manner without a carefully thought-out long-term plan of action (A/55/643, para. 63). It was the understanding of the Committee that the $250,000 was intended as an interim provision of assistance pending the resolution of the issues involved in the report to be submitted by the Secretary-General in accordance with paragraph 9 of General Assembly resolution 55/226.

49. The Advisory Committee was informed that out of the $213,500 authorized for upgrading prison facilities, only $43,300 was expended; following a ruling by the Office of Legal Affairs, the remainder has not been used by the Tribunal, nor have funds been requested for that purpose in the budget submission for 2002-2003. **The Committee is of the opinion that the Secretary-General should have immediately provided the General Assembly with the reasons for not using the funds it authorized. It remains a fact that the resources previously authorized by the Assembly have thus far not been used. An explanation as to the legal and financial reasons for this situation is therefore required and should be submitted, by February 2002, in the report called for by the Assembly in its resolution 55/226.**

50. Resources in the amount of $3,813,000 are requested under supplies and materials, an increase of $882,100 over the appropriation for 2000-2001 (A/56/497, paras. 60-61). The Advisory Committee notes that the increase is attributable largely to the anticipated increase in the level of staff of the Tribunal, the increase in the number of proceedings, the need for replacement parts and maintenance of equipment, an increase in the cost of petrol, oil and lubricants and an anticipated increase in the number of detainees.

51. An amount of $5,927,500, reflecting an increase of $621,900 over the appropriation for 2000-2001, is requested under furniture and equipment, including $500,000 for the development of a teleconferencing facility between the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (ibid., para. 62).

52. The Advisory Committee notes that it is planned to replace 45 of the Tribunal's 175 vehicles (see ibid., paras. 59(e)(vi) and 62(e)) because of age and accidents. The Committee was informed that the vehicles being replaced were from the United Nations Assistance Mission for Rwanda and had become uneconomical to use. It was also informed that, because of the rugged terrain, the Tribunal required special vehicles, and that each vehicle would cost $20,700. **On the basis of the information provided orally by representatives of the Tribunal, the Committee recommends that greater effort be made to use the systems contract procurement procedure followed for peacekeeping operations to procure vehicles.**

53. A provision of $650,000 is requested for construction, alteration, improvements and major maintenance, reflecting a decrease of $1,331,400 over the appropriation for 2000-2001 (ibid., para. 63). The estimate covers improvements to premises in Arusha and Kigali ($450,000) and construction work at the United Nations Detention Facility ($200,000). In connection with the estimate for improvements to premises in Arusha and Kigali, the Committee was informed that the construction of the new archive facility in Arusha for the storage of evidence and documents was nearly complete. **The Committee welcomes this measure to protect the records of the work of the Tribunal. Furthermore, the Committee requests that, in the context of the next budget submission, a long-term plan be formulated for the disposition and preservation of the records of the Tribunal.**

54. Under grants and contributions, estimated requirements amount to $1,104,200, an increase of $748,200 over the appropriation for 2000-2001 (ibid., para. 64). The estimate includes the contributions of the Tribunal to the operations of the United Nations Medical Clinic at Kigali ($192,000) and the coordination of United Nations security measures ($912,200).

55. **Subject to a decision to be taken by the General Assembly on the amount of $773,500 (see paras. 47-49 above), the Advisory Committee recommends approval of the amounts requested under general operating expenses; supplies and materials; furniture and equipment; improvement of premises; and grants and contributions.**

56. A summary of new, reclassified and redeployed posts in the Registry is contained in table 11 of the budget report (A/56/497), and detailed information and justifications for the changes are contained in annex IV to the report (A/56/497/Add.1).

57. A new P-5 post is requested for the Chief of External Relations (A/56/497/Add.1, annex IV, para. 24). The Advisory Committee was informed that the proposal was based on a recommendation of the management review and that the Press and Public Affairs Unit would be part of the External Relations Section. Both would be headed by a P-5. The Chief of External Relations would also be involved in fund-raising activities. The Committee notes that there is also currently a position for spokesperson for the Tribunal. **For the reasons stated in paragraphs 24 and 25 of annex IV to the budget document, the Committee recommends approval of the request for a P-5 for Chief of External Relations and trusts that the Tribunal will strengthen its capacity to interact with print and broadcast media.** Upon enquiry, the Committee was informed of the intention to recruit a suitably qualified bilingual officer capable of dealing with national and international media, with a view to increasing public awareness of the work and accomplishments of the Tribunal. **The Committee also recommends approval of the post of bilingual secretary to provide support to the Office of the Registrar and the External Relations Section (ibid., para. 27; see also para. 59 below).**

58. A new P-4 post is requested for an investigator to provide capacity to trace the assets of suspects and accused persons detained under the Tribunal's authority (ibid., para. 26). Upon enquiry, the Advisory Committee was informed that the function of the post would also include the investigation of weaknesses related to the management of the defence counsel payment system. The Committee has requested an external audit assessment of the adequacy of the Tribunal's capacity in this area (see para. 44 above). **In the meantime, the Committee recommends approval of the request for the P-4 post.**

59. The redeployment of a P-3 protocol officer from Kigali to Arusha is proposed for the Press and Public Affairs Unit (ibid., para. 30). According to the Registrar, this change is being proposed to implement a recommendation of the management review that all borrowed posts in the Tribunal should be returned to their respective units. **In this connection, the Advisory Committee is of the opinion that where vacancies are high it may well be appropriate to be able to assign both personnel and posts with flexibility in order to meet priority requirements. Moreover, in the opinion of the Committee, the practical implications of not having a protocol officer in Kigali do not appear to have been adequately analysed. The Committee recognizes the importance of providing protocol services in Kigali. Accordingly, the Committee recommends a review of the matter. Should a determination be made that a protocol officer is required, the need should be met, in the first instance, through redeployment and/or general temporary assistance and reported in the financial and programme performance report referred to in paragraph 3 above. In any case, the Committee recommends approval of the proposed redeployment from Kigali to Arusha in view of the priority being given to the Press and Public Affairs Unit (see para. 57 above).**

60. A new P-2 post is requested for an associate administrative officer to administer the activities of the Tribunal's internship programme (ibid., para. 33). The Advisory Committee notes that interns perform a variety of functions for the Tribunal, including conducting research and providing assistance to trial judges and attorneys in the Office of the Prosecutor. **The Committee welcomes the information provided to it on the programme and requests that future reports include details, by unit, on how interns are used. The Committee recommends approval of the P-2 post for an associate administrative officer to manage the internship programme.**

61. In the Chambers Support Section, a new P-5 is requested for a senior legal adviser (ibid., paras. 35-36). The Section currently has two P-5 posts. The additional P-5 post is requested to ensure that each of the three trial chambers has an experienced senior lawyer. **The Advisory Committee recommends approval of the request.**

62. A new P-3 post is requested for a judgement coordinator in the Chambers Support Section, because the concurrent trials of many defendants are likely to increase the demands on judgement coordinating (ibid., paras. 37-38). The Advisory Committee notes that at present there is a trial chamber coordinator (P-3) for each trial chamber who supervises a team of associate legal officers (P-2). **It would appear that a coordinator post is being requested to fulfil the function of coordinating the coordinators of the three trial chambers. Furthermore, the request for a P-3 post seems to be premature, as it assumes that the present complement of coordinators may not be adequate in the near future. The Committee is of the view that in a situation such as this, a request for additional posts should be based on actual experience of workload and demand. Accordingly, the Committee does not recommend approval of the request for the P-3 post.**

63. The current establishment of the Appeals Chamber Support Unit at The Hague is one P-4, one P-3, four P-2 and three General Service staff, or a total of nine posts. Four additional posts are requested (1 P-3, 2 P-2 and 1 General Service) owing to the volume of cases under consideration by the Appeals Chamber and the arrival of two additional judges (ibid., para. 41; see also para. 65 below). The Advisory Committee observes that it is doubtful whether there has been enough experience to determine the additional level of support that is required. **Accordingly, the Committee does not recommend approval of the request for two new P-2 posts and one General Service (Other level) post to support the new appeals judges at this stage, especially in view of the fact that when the decision was taken to appoint the additional judges, three posts (2 P-2/1 and 1 General Service) were requested for them (A/55/512 and Corr.1, annex IX, para. 7 and A/55/512/Add.1). Those three posts were approved by the General Assembly pursuant to the recommendation of the Committee. The Committee recommends approval of the P-3 post to create a second legal drafting section to allow the Unit to handle two simultaneous appeals on their merits. If the recommendations of the Committee are approved by the Assembly, the total staff of the Unit would be 10 posts rather than 13 as proposed; however, the workload situation should be monitored and, as appropriate, reported to the Assembly (see para. 3 above).**

64. A P-2 post is requested in the Appeals Support Unit in Arusha for an associate legal/appeals officer to assist the appeals officer with regard to drafting submissions to chambers under rule 33B of the Statute of the Tribunal (A/56/497/Add.1, annex IV, paras. 46-49). The individual would also act as courtroom officer and perform other functions such as overseeing the processing of interlocutory appeals and assisting in the reading and review of all judicial documents filed and processed.

65. The present staffing establishment comprises one P-4, one P-2 and one General Service staff. The Advisory Committee notes from the financial performance report of the Tribunal for 2000 (see A/56/500, annex) that 7 appeals were projected for the Chambers and 15 were implemented; for 2001, the Committee was informed that of the 40 projected, 8 were under way as at 31 October; and 30 are projected for 2002-2003. For the Office of the Prosecutor, of the 16 appeals projected for 2000, 7 were implemented; for 2001, 28 were projected and 8 were under way as at 31 October; and 12 are projected for 2002-2003. **Although the above trend does not definitively justify the establishment of a new P-2 post at this stage, the Committee nevertheless recommends that the P-2 post be granted in view of the current staffing establishment, the time it takes to recruit and the increased pace of work of the Chambers.**

66. **The Advisory Committee recommends approval of the request for a new General Service post for an audio-visual archivist and the conversion to established status of the five General Service posts for document assistants for the Audio-Visual Desk (A/56/497/Add.1, annex IV, paras. 51-52).**

Witnesses and Victims Support Sections

67. The Advisory Committee was informed that the current staffing establishment of the Witnesses and Victims Support Sections for the prosecution and the defence totalled 41 posts. For the defence, there are currently 8 posts in Arusha, 4 in Kigali and 3 for safe houses, for a total of 15. For the prosecution, current staffing is 11 posts in Arusha, 12 in Kigali and 3 for safe houses, for a total of 26. The budget proposal includes requests for the reclassification of a P-4 post to the P-5 level and a total of 34 new posts for the sections (ibid., paras. 56-78). The Committee notes that this would represent an increase of approximately 82 per cent in total staffing of the sections. Upon request, the Committee was provided with the current vacancy rates for each of the units of the sections as follows: the rates for the defence as at 31 October were 14.3 per cent in Arusha and 50 per cent in Kigali, and the rates for the prosecution were 7.1 per cent in Arusha and 41.7 per cent in Kigali.

68. A total of 18 new posts are requested for the Witnesses and Victims Support Section for the prosecution, as follows:

(a) 12 new posts in Arusha: 1 P-2 associate witness support officer, 1 General Service (Other level) security officer and 10 General Service (Local level) posts (1 security officer, 2 drivers, 3 cooks and 4 cleaners);

(b) 6 new posts in Kigali: 1 General Service (Other level) security officer and 5 General Service (Local level) posts (1 housekeeper, 2 cooks, 1 driver and 1 witness support assistant).

69. A total of 16 new posts are requested for the Witnesses and Victims Support Section for the defence, as follows:

(a) 12 new posts in Arusha: 3 General Service (Other level) posts (2 witness support assistants and 1 security officer) and 9 General Service (Local level) posts (2 security assistants, 2 drivers, 2 cooks and 3 cleaners);

(b) 4 new posts in Kigali: 2 General Service (Other level) security officers and 2 General Service (Local level) drivers.

70. The Advisory Committee notes that a restructuring is proposed that would combine the two separate units for the prosecution and the defence into a single section in early 2002 under one chief at the P-5 level (see ibid., paras. 70-71). A request is therefore made to reclassify the head of the Prosecution Section from P-4 to P-5. The Committee recalls that the two services were previously combined. In 2000, the Registrar initiated a restructuring:

> "not only because of the vastly expanded workload of the Section, but also with a view to safeguarding the confidentiality of the individual witnesses and ensuring that the identity and security of prosecution and defence witnesses was not compromised. As a result the Witnesses and Victims Support Section has been reconstituted into two separate sections, one dealing exclusively with prosecution witnesses and related issues, and the other dealing solely with the defence witnesses and related issues."

(A/55/512 and Corr.1, annex II, para. 79). The head of the original combined service at the P-4 level became Chief of the Witnesses and Victims Support Section for the defence, and a P-4 post was requested for Chief of the Witnesses and Victims Support Section for the prosecution. **The Committee calls into question the rationale for the proposed restructuring and does not support the proposed reclassification.**

71. **The Advisory Committee observes that the statistics provided in the budget report (A/56/497/Add.1, annex IV, para. 59) do not justify the expansion of the Witnesses and Victims Support Sections to the extent proposed in the estimate.** The fact that 150 prosecution witnesses were brought to Arusha for testimony between January 1997 and August 2000 implies an average of no more that 50 per year. For 2000, the total number of prosecution and defence witnesses supported by the Witnesses and Victims Support Sections was 61 out of a projected 210 (A/56/500, annex). According to the updated workload indicators provided to the Committee, for 2001, out of an estimated 240 witnesses, the Witnesses and Victims Support Section for the prosecution had supported 145 as at 31 October; the Witnesses and Victims Support Section for the defence had supported only 1 out of a projected 100.

72. **In view of the workload trends in this area, the Advisory Committee questions the extent of the requested increases in terms of posts and other budgetary proposals for witness and victim support.**

Accordingly, in the paragraphs below the Committee recommends approval of a total of 23 posts out of the 34 requested. The Committee further recommends that the workload trend be monitored and, if it is determined that more support is required, it should be met from general temporary assistance and reported in the context of the financial and programme performance report referred to in paragraph 3 above.

73. A P-2 post is requested to supervise witness support assistants, translators and interpreters in the Witnesses and Victims Support Section for the prosecution in Arusha (A/56/497/Add.1, annex IV, para. 60). **In line with its comments in the foregoing paragraphs, the Advisory Committee recommends that an appropriate official from the present staffing establishment, including General Service and other levels of staff, be designated as the supervisor of witness support assistants.**

74. Two General Service posts (1 Other level and 1 Local level) are requested for security officers for the Witnesses and Victims Support Section for the prosecution in Arusha (ibid., para. 61). **The Advisory Committee recommends approval of this request.**

75. **With respect to the two Local level posts requested for drivers for the Witnesses and Victims Support Section for the prosecution in Arusha (ibid., para. 62), the Advisory Committee recommends approval of one position, since it is not certain whether there will indeed be six trials running simultaneously.**

76. **The Advisory Committee recommends approval of two cooks to service two prosecution safe houses in Arusha rather than the three requested, and four cleaners (ibid., paras. 63-64).**

77. **For the six additional General Service posts requested for the Witnesses and Victims Support Section for the prosecution in Kigali (ibid., paras. 65-67), the Advisory Committee recommends approval of one new General Service (Other level) post for a security officer and two Local level posts for the functions mentioned in paragraphs 66 and 67, for a total of three new posts.**

78. For the Witnesses and Victims Support Section for the defence, three General Service (Other level) and nine General Service (Local level) posts are proposed for Arusha, and two General Service (Other level) and two General Service (Local level) posts are proposed for Kigali (ibid., paras. 68-78). **In view of its comments above and its recommendations for the Witnesses and Victims Support Section for the prosecution, the Advisory Committee recommends approval of one General Service (Other level) post and five General Service (Local level) posts for the Witnesses and Victims Support Section for the defence in Arusha. For Kigali, the Committee recommends approval of the four posts requested.**

79. **The Advisory Committee recommends approval of the request for an additional General Service (Local level) post for an administrative assistant to supplement the current establishment of one P-4, one P-3, one General Service (Principal level), two General Service (Other level) and one General Service (Local level) in the Defence Counsel Management Section (ibid., para. 81).**

80. The current staffing establishment of the Legal Library and Reference Unit comprises one P-3, one P-2, one General Service (Other level) and two General Service (Local level) posts. **The Advisory Committee recommends approval of the request for two additional P-2 posts for a reference and technical services librarian and an indexer/cataloguer. The Committee agrees with the proposal to reclassify the Chief Librarian from P-3 to P-4 (ibid., paras. 85-87).**

81. The Advisory Committee notes that the former Division of Administration has been reorganized and renamed the Administrative and Support Services Division pursuant to a recommendation of the management review team. **The Committee recommends approval of the request for a P-4 stress manager to develop and implement a counselling and support programme aimed at reducing stress levels of Tribunal staff and dependents (ibid., para. 91). The Committee is not convinced, however, of the need for a P-4 post for an administrative liaison officer to prevent the recurrence of a "collision of cultures" between the United Nations Secretariat and the legal profession found in the Office of the Prosecutor and the Chambers (ibid., para. 92). It is the opinion of the Committee that the Chambers, the Office of the Prosecutor and the Registry have to perform their functions in accordance with the provisions of the Statute of the Tribunal subject to such guidelines as may, from time to time, be given by the General Assembly in the context of the**

review and approval of the expenses of the three organs of the Tribunal.

82. **The Advisory Committee recommends approval of the request for two new General Service (Local level) posts for a laboratory technician to maintain the new laboratory to be established within the Health Services Unit at Arusha and a nurse to provide dispensary services in Kigali (ibid., paras. 95-96).**

83. **The Advisory Committee recommends approval of the General Service (Local level) post requested for a job classification assistant in the Personnel Administration Unit (ibid., para. 102).**

84. In the Training, Staff Welfare and Counselling Unit, two new General Service (Local level) posts are requested for training clerks in the areas of language training and pre-recruitment testing (ibid., para. 106). **The Committee recommends acceptance of this request.**

85. The Advisory Committee notes that a total of seven new posts are requested for the Accounts, Payments, Payroll and Cashier Units, the Claims Unit of the General Services Section and the Transportation Services Sections as follows: one General Service (Local level) accounts clerk; two General Service (Other level) finance assistants; one General Service (Other level) finance assistant; one General Service (Local level) finance clerk; one General Service (Other level) claims assistant; and a General Service (Local level) storekeeper (ibid., paras. 112-129). **In view of the study to be undertaken on the impact of technology on Tribunal operations, for which $25,000 has been requested (see para. 40 above), the Committee recommends that these functions be accommodated through temporary redeployment using vacant positions and general temporary assistance pending the conclusion of the study. The results should be reported in the context of the financial and programme performance report.**

86. Upon enquiry, the Advisory Committee was informed that the payroll function for international personnel had not been transferred to Arusha. **In this connection, the Committee reiterates its view that the Tribunal should have the appropriate delegated authority to carry out this function as soon as possible (see A/55/643, para. 15).**

87. **In view of its comments in paragraph 85 above, the Advisory Committee does not recommend approval of the reclassification from the P-2 to the P-3 level of the post of the chief of the Kigali Unit of the Electronic Data-Processing/ Management Information Systems Section (A/56/497/Add.1, annex IV, para. 132).**

88. **The Advisory Committee recommends approval of the proposed changes in staffing in the Procurement Unit as follows: one new General Service (Local level) post for a procurement assistant in the Kigali Unit; the reclassification of a P-2 procurement officer post in Arusha to General Service (Principal level); and the redeployment of one P-2 post from the Office of the Deputy Chief of Administration to the Procurement Unit in Kigali (ibid., paras. 135-136).**

89. The current staffing level of the United Nations Detention Facility is two P-3 and 18 General Service (Local level) posts. Requests are made for nine new General Service (Local level) posts for five escorts/custodians, three cleaners and one cook; the reclassification of the post of Commanding Officer from P-3 to P-4; and the redeployment of one Security Service officer and six General Service (Local level) security officers from the Security Section to the Detention Facility (ibid., paras. 139-142).

90. The Advisory Committee notes that in 2000 the number of projected arrests was 20, whereas 5 were arrested (see A/56/500, annex). While 12 arrests were projected for 2001, the Committee was informed that as of 31 October, 8 arrests had been made. For 2002-2003, 20 arrests are projected. According to the information provided to the Committee, the current number of detainees/prisoners is 51, and it is estimated that the number will reach 60 by the end of the year (A/56/497/Add.1, annex IV, para. 138).

91. **The Advisory Committee recommends approval of the proposed staffing changes for the United Nations Detention Facility.**

92. The current staffing level of the Language and Meeting Services Section comprises 75 posts. Requests are made for 10 new language posts as follows: 4 new P-2 level posts for interpreters of Kinyarwanda; 3 General Service (Other level) posts (2 bilingual secretaries and 1 bilingual reference assistant) in the Text-processing, Proof-reading, Terminology and Reference Unit; and 1 P-4 reviser and 2 P-3 translators/interpreters for language support to the Appeals Chamber Unit at The Hague.

93. The four new P-2 posts for interpreters are requested to meet the interpretation requirements of the

six benches (ibid., para. 146). **The Advisory Committee recommends approval of the request. Furthermore, the Committee recommends that a review be made of the cost-effectiveness of using translation capacities in the United Nations system by remote means.**

94. With regard to the request for three General Service (Other level) posts for two bilingual secretaries and one bilingual reference assistant in the Text-processing, Proof-reading, Terminology and Reference Unit, the Advisory Committee notes that there is currently only one text processor working in the Kinyarwanda Unit (ibid., paras. 147-150). The Advisory Committee recognizes the need for a reference assistant to handle the reference requirements of the 43 translators/interpreters and revisers as well as the need to have an appropriate ratio of support staff to substantive officers. **For these reasons, the Committee recommends approval of the request.**

95. The current staffing establishment for language support to the Appeals Chamber at The Hague comprises one P-4 reviser, one P-3 interpreter/translator and one General Service (Other level) bilingual secretary (ibid., paras. 152-155). **The Advisory Committee recommends approval of the request for three additional posts: one P-4 for a reviser, one P-3 for an English-French translator/interpreter and one P-3 for a French-English translator/interpreter.**

96. **The Advisory Committee recommends that the General Service (Local level) post requested for a courtroom clerk in the Communications Section be approved (ibid., para. 162).**

Conclusions and recommendations

97. **On the basis of the recommendations and observations indicated in the foregoing paragraphs, the Advisory Committee recommends that the General Assembly approve the appropriation of $196,444,800 gross ($177,151,400 net) for the operations of the International Criminal Tribunal for Rwanda for the biennium 2002-2003. This would represent a reduction of $2,079,000 gross ($1,863,900 net) from the estimate of $198,523,800 gross ($179,015,300 net) indicated in table 3 of the proposed budget (A/56/497).**

98. **The post reductions recommended by the Committee in the present report are summarized in the following table:**

Summary of new posts not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No.*
Registry		
Chambers Support Section	1 P-3	62
Appeals Chamber Support Unit, The Hague	2 P-2 1 General Service (OL)	63
Prosecution Witnesses and Victims Support Section, Arusha	1 P-2 2 General Service (LL)	73 75 and 76
Prosecution Witnesses and Victims Support Section, Kigali	3 General Service (LL)	77
Defence Witnesses and Victims Support Section, Arusha	2 General Service (OL) 4 General Service (LL)	78 78
Office of the Chief of Administration	1 P-4	81
Accounts Unit	1 General Service (LL)	85
Payments Unit	2 General Service (OL)	85
Payroll Unit	1 General Service (OL)	85
Cashiers Unit	1 General Service (LL)	85
Claims Unit	1 General Service (OL)	85
Transport Section	1 General Service (LL)	85

Total: 24 posts (5 Professional and 19 General Service) are not recommended for approval for the biennium 2002-2003

Summary of reclassifications not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No.*
Office of the Prosecutor		
Investigation Division	1 P-4 to P-5	32
Registry		
Witnesses and Victims Support Section	1 P-4 to P-5	70
Electronic Data-Processing/ Management Information Systems	1 P-2 to P-3	87

Annex I

Resources included in the budget to implement the recommendations of the management review

1. Resources included in the budget to implement the recommendations of the management review include:

(a) New P-5 post of Chief of External Relations in Office of the Registrar

(b) New P-4 post of Administrative Officer in Office of the Chief of Administration

(c) New Other level post in Office of the Registrar

(d) New post of P-4 Stress Manager in the Office of the Chief of Administration

(e) New Local level post of Job Classifications Assistant

(f) Borrowed posts to be returned immediately and therefore new posts or redeployment of posts in budget that affect this recommendation are as follows:

(i) Redeploy P-3 Protocol Officers from Kigali to Arusha;

(ii) New post (Local level) Administrative Assistant in the Defence Counsel Management Section;

(iii) 2 new posts (Other level) of finance assistants in Finance Payments Unit;

(iv) New post (Other level) of finance assistant in the Finance Payroll Unit;

(v) New post (Other level) of Claims Assistant in the General Services Section.

2. The following are also recommendations made by the management review for consideration:

(a) Change name of Division of Administration to Administrative and Support Services Division;

(b) Electronic data-processing and communications to be integrated;

(c) Detention Facility to be separated from the Security and Safety Section;

(d) Procurement services to be separated from general services;

(e) Health Services Unit to report directly to the Chief of Administration;

(f) Language and Conference Services to be changed to Language and Meeting Services.

Annex II

Breakdown of the estimate for enforcement of sentences for 2002-2003

(In United States dollars)

Item	*Description*	*Number of convicts*	*United Nations staff*	*Number of flights*	*Cost of flight*	*Airline cost*	*Daily maintenance*	*Yearly cost*	*Cost of medicine*		*Total cost*
									Monthly	*Yearly*	
2002											
	Maintenance cost	15					20	108 100			108 100
	Medical costs	9							1 000	108 000	104 000
	Witness costs	4	2	3	2 800	50 000					50 000
	United Nations inspection costs		2	9	2 800	47 900					47 900
	Subtotal										**310 000**
2003											
	Maintenance cost	23					20	167 900			167 900
	Medical costs	13							1 000	156 000	156 000
	Witness costs	8	2	3	2 800	84 000					84 000
	United Nations inspection costs		2	10	2 800	55 600					55 600
	Subtotal										**463 500**
	Total										**773 500**

Annex III

Breakdown of daily maintenance costs for prisoners

(In United States dollars)

Item	*Cost per day*
Telephone charges	0.50
Daily meal supplement	6.00
Daily supplement for toiletries	2.00
Subscriptions	0.50
Medicine	1.50
Daily maintenance (bedding, clothing, cutlery, cells, medical examinations)	9.50
Total	**20.00**

United Nations A/56/667

General Assembly

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Fifty-sixth session
Agenda items 14 and 20 (c)

Report of the International Atomic Energy Agency

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

Letter dated 28 November 2001 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith an aide-memoire from the Ministry of Foreign Affairs of the Republic of Belarus concerning innovative approaches proposed by the secretariat of the International Atomic Energy Agency for international cooperation to study, mitigate and minimize the consequences of the Chernobyl disaster (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the fifty-sixth session of the General Assembly of the United Nations under agenda items 20 (c), "Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster" and 14, "Report of the International Atomic Energy Agency".

(*Signed*) Sergei S. **Ling**
Permanent Representative of the Republic of Belarus
to the United Nations

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Annex to the letter dated 28 November 2001 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

[Original: English]

Aide-memoire by the Ministry of Foreign Affairs of the Republic of Belarus on the innovative approaches proposed by the secretariat of the International Atomic Energy Agency for the international cooperation to study, mitigate and minimize the consequences of the Chernobyl disaster

The Republic of Belarus attaches utmost importance to the continuation and strengthening of international cooperation for studying, mitigating and minimizing the consequences of the disaster at the Chernobyl nuclear power plant.

The Government of the Republic of Belarus has always had a uniform and consolidated position on the nature of this catastrophe, is internationally recognized as a major technological disaster in terms of its scope, which created long-term environmental, health, economic and social consequences calling for wide and active international cooperation and coordination of efforts.

We commend a very important role continuously played by the International Atomic Energy Agency (IAEA) in the efforts to assist the Republic of Belarus in combating the aftermath of that human tragedy.

We note with appreciation that today, 15 years after the Chernobyl disaster, IAEA continues to pay significant attention to this problem, treating it as an issue of unarguable international relevance. We welcome the Agency's search for innovative approaches towards studying, mitigating and minimizing the consequences of the Chernobyl disaster as provided for by the relevant United Nations General Assembly resolutions on Chernobyl.

It was, therefore, with a great deal of interest that the Republic of Belarus took note of the idea put forward by the Director-General of IAEA at the forty-fifth session of the Agency's General Conference, and afterwards highlighted during the debate on the IAEA 2000 annual report at the fifty-sixth session of the United Nations General Assembly, regarding the possibility of establishing a common forum on the consequences of Chernobyl.

Indeed, the needs and concerns of the affected people can be addressed in a better coordinated and more effective manner provided there is a unanimous position taken by the international community on the true nature of the Chernobyl-related impacts.

In this regard, Belarus would welcome the launching of extensive and detailed international consultations involving all those concerned with a view to examining political and practical aspects of such a forum. They should include, inter alia, modalities for the placement of the forum within the United Nations intergovernmental machinery; definition of the international and legal status of the forum, including the issues of ownership, authority and universal acceptance of its prospective findings and recommendations; reporting arrangements of the forum to the General Assembly; and positioning of the forum towards the existing United Nations instruments for international cooperation on Chernobyl and other relevant issues.

United Nations A/56/668–S/2001/1133

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Security Council

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 28 November 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incident in the ongoing Palestinian campaign against Israel.

Last night, at approximately 7.30 p.m. (local time), Palestinian terrorists attacked several Israeli commuters with indiscriminate gunfire and grenades just north of the Gush Katif junction. Etty Fahima, age 45, was killed in the attack, and three others, including a 2-year-old girl, were wounded.

Yesterday's attack represents the latest incident in the continuing campaign of Palestinian terrorism directed against Israeli civilians. Previous attacks have been detailed in my letters dated 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-

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S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

The Government of Israel holds the Palestinian Authority responsible for this attack in the light of its continuing role in orchestrating a campaign of violence and terrorism and its steadfast refusal to take concerted action against known terrorists operating in its territory. The Palestinian refusal to suppress terrorism is particularly egregious in the light of the renewed commitment of the international community to mobilize its resources to fight terrorism.

This attack also comes amidst renewed efforts to achieve a ceasefire between the sides. These efforts are destined to fail if the Palestinian leadership fails to fulfil its commitments to end terror and violence.

Israel calls upon the Palestinian leadership to take action, in accordance with its international obligations and signed agreements reached between the parties, to end the violence and terrorism emanating from the territory under its control. Israel further calls upon the international community, in the context of its global campaign against terrorism, to bring full pressure to bear on and take decisive action against all States and entities that support terrorism or are actively engaged in terrorist operations without distinction.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/669–S/2001/1139

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Security Council

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Fifty-sixth session
Agenda item 62
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 28 November 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 November 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

01-67240 (E) 041201

Annex to the letter dated 28 November from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statements made by representatives of the Greek Cypriot administration to the Third Committee on 19 October and 13 November 2001, under agenda items 112, "Advancement of women", 113, "Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly, entitled 'Women 2000: gender equality, development and peace for the twenty-first century'", and 119 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", respectively. Since the above statements contain unfounded allegations against my country and distort facts pertaining to the Cyprus issue, it is my duty to respond to these assertions in writing.

Greek Cypriot representatives have referred to the Turkish Republic of Northern Cyprus as "occupied areas" and "a subordinate local administration". Firstly, the only occupation in Cyprus is the usurpation of the title of the "government of Cyprus" by the Greek Cypriot side since 1963. For eleven years between 1963-1974, Turkish Cypriots were persecuted and subjected to ethnic cleansing by the usurper regime under the Greek Cypriot leadership. It should be kept in mind that the attempted forcible annexation of Cyprus by Greece in 1974 was reversed by the timely intervention by Turkey carried out in July 1974 in accordance with its rights and obligations under the 1960 Treaty of Guarantee. Ever since the Turkish intervention, Northern Cyprus has been a sanctuary for Turkish Cypriots who had been subjected to a systematic campaign of ethnic cleansing by the Greek Cypriots. Turkish military presence in Northern Cyprus is legal in accordance with the 1960 Treaty of Guarantee and has proven to be an indispensable element of security. Therefore, any attempt to portray Northern Cyprus, the homeland of the Turkish Cypriot people, as "occupied areas" is nothing more than false propaganda. Secondly, the misnomer (i.e. subordinate local administration) used by Greek Cypriot delegates to describe the Turkish Republic of Northern Cyprus is also indicative of the chronic denial by the Greek Cypriots of the basic rights of the Turkish Cypriot people. The Turkish Republic of Northern Cyprus was established in 1983 by the Turkish Cypriot people in exercise of their inherent right to self-determination. It should be recalled, in this context, that the Turkish Cypriot people, as one of the co-founder partners of the 1960 Republic of Cyprus, were ejected by force of arms from the state machinery in 1963 and subjected to inhuman treatment and harsh restrictions between 1963 and 1974.

The Greek Cypriot representative has raised the issue of human rights violations in Cyprus. Given the historical background of the Cyprus question, the Greek Cypriots would have better refrained from talking about human rights issues. The most blatant human rights violations in contemporary Cyprus, such as the forcible displacement of populations and the imposition of inhuman restrictions on Turkish Cypriot enclaves, took place between 1963 and 1974. Those responsible for the violations were Greek Cypriots. The victims were all Turkish Cypriots.

The Greek Cypriot representative has referred to the ruling by the European Court of Human Rights in the case of the fourth "state application" by the Greek Cypriot administration. Our position vis-à-vis this ruling has already been communicated to Your Excellency. In this connection, I would like to draw attention

to the ruling of the European Court of Human Rights dated 23 May 2001, which found the Greek Cypriot administration guilty of the inhuman treatment of nine Turkish Cypriots, while held in detention, at the hands of the Greek Cypriot police in 1994. These Turkish Cypriots had been subjected to beating and brutal treatment followed by forcible expulsion from Southern Cyprus to the North. One of the Turkish Cypriots, Ilker Tufansoy, was brutally murdered after returning to Southern Cyprus two months later. No one has ever been arrested in connection with this murder. The Court has ordered the Greek Cypriot administration to pay compensation to each of the victims. It will also be recalled that, in December 2000, the Greek Cypriot administration was ordered to pay compensation to another Turkish Cypriot, Erkan Egmez, who was tortured by the Greek Cypriot police after being abducted from the United Nations-controlled buffer-zone, within which the Greek Cypriot side has no jurisdiction, and released only after a very long and tortuous ordeal in 1995.

The Greek Cypriot delegates have also shown the audacity to express "concern" about the welfare of their Turkish Cypriot "compatriots" who live in the "occupied area"! Since nobody with a brief knowledge of Cyprus history would be deceived by this display of hypocrisy, I will refrain from responding extensively. I will merely point out that if these delegates are sincerely concerned about the economic and human rights situation in Cyprus, they should first of all urge their own administration to assume full responsibility for the violation of human rights of the Turkish Cypriots since 1963, and to recognize their sovereign rights as an equal and independent nation. Moreover, they should also take action with a view to removing the inhuman embargoes on the Turkish Cypriot people, imposed by the Greek Cypriot administration, without any legal basis. Unless these are carried out, the statements of Greek Cypriot delegates on human rights will be empty and misleading rhetoric.

The Greek Cypriot representatives have in their statements alluded to the necessity to respect the rule of law and to safeguard international legality. Recent Greek Cypriot press reports have revealed a major scandal in the Greek Cypriot land registry department, involving the illegal transfer of Turkish Cypriot land and property to Greek Cypriots. The Greek Cypriot daily *Politis*, dated 30 October 2001, reported that many Greek Cypriot companies and businessmen had acquired such property throughout the island by illegal means and that around 20,000 immovable properties had changed hands over the past three years. The Greek Cypriot daily *Haravgi*, of the same date, reported the scam under the heading "Turkish Cypriot properties auctioned off".

The Greek Cypriot delegates to the Third Committee have also tried to argue that the issue of displaced and missing persons in Cyprus began in 1974 as issues affecting only the Greek Cypriot side. In fact, the issue of displaced persons came about when one quarter of the Turkish Cypriot population was displaced between 1963 and 1974 as a result of the Greek Cypriot onslaught. On the question of missing persons, the Greek Cypriot side has, from the beginning, been abusing this matter for political purposes rather than dealing with it as a humanitarian problem whose solution is long overdue. We have consistently held the view that the Committee of Missing Persons in Cyprus should be allowed to complete its mandate, in accordance with its agreed terms of reference and procedures and also with the suggestions contained in your letters addressed to the two parties in 1996. However, the Greek Cypriot side has failed to respond positively to this framework.

Finally, I would like to express the hope that the Greek Cypriot side will adopt a new approach to the Cyprus issue in the period ahead, thereby making it possible for the process of reconciliation to move forward as soon as possible.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

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Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 30 November 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incident in the ongoing campaign of Palestinian terror directed against Israel.

At approximately 8.45 p.m. (local time) last night, a Palestinian suicide bomber blew himself up aboard an intercity public bus en route from Nazareth to Tel Aviv. Three Israelis were killed and nine others wounded in the blast, which ripped apart the bus and sent debris flying tens of yards down the highway.

In a separate incident yesterday, Palestinian gunmen shot and killed St.-Sgt. Yaron Pikholtz, age 20, near the town of Tulkarm. Another soldier standing nearby suffered moderate-to-serious wounds after being shot in the thigh and shoulder.

Yesterday's attacks represent the latest incident in the continuing campaign of Palestinian terrorism directed against Israeli civilians. Previous attacks have been detailed in my letters dated 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-

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S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

In a joint statement, Islamic Jihad and Palestinian Authority Chairman Yassir Arafat's own Fatah faction claimed responsibility for the attack. It should be noted that Islamic Jihad has its headquarters in Damascus and receives financial assistance from Iran and logistical assistance from Syria. This is the second lethal terrorist attack committed this week for which these groups have jointly claimed responsibility, a fact which underscores the depth of cooperation between forces under the authority of the Palestinian Authority and other violent terrorist organizations that owe their existence to the support provided by neighbouring States, in blatant violation of Security Council resolution 1373 (2001) and established principles of international law.

Moreover, this attack occurred while Palestinian negotiators were meeting with American envoys in the hopes of ending more than 14 months of violence. It is intolerable that the Palestinian leadership is engaging in negotiations to achieve a ceasefire at the same time as elements under its authority are perpetrating deadly acts of terrorism against innocent Israeli civilians. Any effort to restore calm to the region will be completely undermined if the Palestinian leadership continues to avoid taking the action necessary to bring a complete cessation to acts of violence, terror and incitement.

Israel calls upon the Palestinian leadership to abide by its signed commitments to renounce the use of terrorism and violence and to resolve all outstanding issues through negotiations. Israel further calls upon the international community to exert maximum pressure on all States and entities that support terrorism, or are actively engaged in terrorist operations, to ensure their compliance with international law.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/671–S/2001/1142

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Letter dated 3 December 2001 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

On the instruction of my Government, I have the honour to transmit to you herewith the text of the Declaration and Action Plan adopted by the Warsaw Conference on Combating Terrorism, held in Warsaw on 6 November 2001, on the initiative of Aleksander Kwaśniewski, President of the Republic of Poland (see annex).

I should be grateful if you would have the Declaration and Action Plan distributed as a document of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Janusz **Stańczyk**
Ambassador
Permanent Representative

01-67453 (E) 051201

A/56/671
S/2001/1142

Annex to the letter dated 3 December 2001 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

Declaration of the Warsaw Conference on Combating Terrorism

November 6th, 2001

We, the Heads of State of Central, Eastern and South-Eastern Europe, have gathered in Warsaw, November 6th, 2001, and have exchanged views on our common experience of the 20th century, including the successful struggle to regain freedom, liberties and to enjoy transformation to democracy and prosperity. We pledge to stay united with other countries in condemning the covert and hideous attack on September 11th, 2001, against the United States, in which thousands of innocent people of different nationalities were killed or injured. We stand by the American nation, just as they supported us in our struggle for freedom.

We express our denouncement of international terrorism's utter disregard for innocent life.

We want to stress that fight against international terrorism we see as a war between humanity and barbarism, and not between different religions or cultures.

We strongly believe that this attack against the United States of America was an assault on basic freedoms and security of all the people of our world.

We, the Heads of State of Central, Eastern and South-Eastern Europe, being responsible for the security and freedom of our people, firmly pledge to implement various ways and means to fight terrorist activities in our regions or elsewhere and to support any necessary action to stamp out terrorist organisations, so that there are no safe havens for terrorists anywhere.

We unconditionally support the action being taken against terrorism in all its aspects within the framework defined by the United Nations and by other international organisations, in particular by the European Union which, by the means of the so far proclaimed documents unequivocally denounced any acts of international terrorism perpetrated against any nation. In particular we call upon all states to implement fully the requirements of UNSCR 1373 and 1333 and to ratify the 12 international conventions relating to terrorism.

We strongly encourage international organisations such as the UN, OSCE, Council of Europe and NATO to take necessary measures to assist in full implementation of relevant international conventions relating to international terrorism and pledge as member states to actively contribute to those efforts. In this respect we share position of the European Union, expressed *inter alia*, in the *Conclusions and Action Plan of the Extraordinary European Council* of September 21st, 2001, that far greater co-operation in international fora is needed to fight international terrorism. We welcome NATO's efforts among Allies and their

Partners to develop capabilities to defend against terrorism. We welcome the OSCE and the Council of Europe contributions to the fight against terrorism by resort to those Organisations' specific expertises. In order to harmonize our efforts in this field we have agreed to and adopted the „Action Plan" enumerating concrete spheres of co-operation our countries will pursue.

Our specific aim is to provide a regional dimension to the comprehensive worldwide efforts against this scourge of the 21st century. Nations of Central, Eastern and South-Eastern Europe stand united in their fight against terror - as long as it takes – by means of close co-operation with the United States, acting in concert with the rest of international community. Terrorists do not share values of democracy or freedom or justice as we do. In coalition we will be able to bring to account all those responsible for terrorist attacks, to better target terrorists organisations, their financial, communication and logistic networks and those who instigate, support, finance, train, equip and harbour them.

We must redouble our efforts in fighting international terrorism and devote more attention to study its sources. We do believe that existing regimes of export control, including arms and dual use items, can be implemented more efficiently, as well as far greater co-operation on non-proliferation issues is needed. We will ask our national agencies to take adequate steps in this respect, also in such fields like, for example, aviation, maritime security, law-enforcement and terrorist-financing. To promote mutual co-operation in the suppression of international terrorism we declare readiness to enhance intelligence sharing and co-operation, and to undertake other necessary measures in support of operations against international terrorism.

Enhancement of security measures is extremely urgent. Furthermore we believe that in many cases national legislation should be modified in order to strengthen institutions responsible for security matters (such as police, special services, immigration, etc.), while individual liberties also have to be protected. Democracy cannot imply that the state attacked by terrorists shall be defenceless. It has its inherent right to individual and collective self-defence.

Having met in Warsaw, we have initiated discussion on various methods to achieve this goal, using all the instruments at our disposal, both as individual states and as members of multilateral organisations. We believe that the swift enlargement of the European Union and the North Atlantic Treaty Organisation will make the fight with international terrorism more efficient. We have agreed to review the development and implementation of all initiatives accepted today at the Warsaw Conference at its next stage to be held next year, the venue and modalities of which will be determined in due course.

Our states and peoples fully identify with the efforts – political, military, economic, humanitarian and others - undertaken by the United States of America and its friends and allies, as we are the United States' friends and allies in the broad counter-terrorism coalition. Without hesitation we give our utmost support for the U.S.-led operations against terrorist targets.

Being resolved to make the counter-terrorism coalition strong and united, being convinced that the counter-terrorism coalition must be made as broad and efficient as possible in its diplomatic, financial, economic, law-enforcement, intelligence and military co-operation, the unity of our world is indispensable for the successful struggle with the cancer of international terrorism.

Once again, taking this opportunity, we convey our expressions of condolence and sympathy to the American people who suffered immense tragedy. At this difficult time, in the name of solidarity we stand united with the American nation. People around the world watched the shocking scenes from America realising that what happened to the US could happen anywhere else. Terrorism menace has no limits. These atrocities were targeted not only against the United States but also against the whole humanity. We are convinced that being strong together we shall defend all basic values of our world.

Democracies, open, free and plural, shall prevail.

* * *

The following states participated in the Conference:

Republic of Albania
Bosnia and Herzegovina
Republic of Bulgaria
Republic of Croatia
Czech Republic
Republic of Estonia
Republic of Hungary
Republic of Latvia
Republic of Lithuania
Republic of Moldova
Republic of Poland
Romania
Republic of Slovakia
Republic of Slovenia
Ukraine
Federal Republic of Yugoslavia
Former Yugoslav Republic of Macedonia

The Conference was also attended by high representatives of the Republic of Belarus, the Russian Federation, the Republic of Turkey the United States of America, and European Union (Presidency and Commission), United Nations, Organisation for Security and Co-operation in Europe, North Atlantic Treaty Organisation, as observers.

Action Plan of the Warsaw Conference on Combating Terrorism November 6th, 2001

We, the Heads of State of Central, Eastern and South-Eastern Europe participating in the Warsaw Conference on November 6th, 2001, hereafter referred to as the Participants, are determined to strengthen and unite our efforts in solidarity with the United States of America, other members of the North Atlantic Alliance and all those, who consider international terrorism as paramount threat of the 21st century. We have decided to give our full political support to this Action Plan.

The Participants have discussed proposals of activities and initiatives of regional co-operation to be implemented in the fight against international terrorism. They support the efforts undertaken by NATO and the EU, and express their readiness and commitment to co-operate to the fullest extent possible. They have also agreed to recommend to their Governments and strongly support the initiatives and instruments (intelligence, police co-operation, elimination of terrorist financing sources), as follows:

1. Express interest in deepening co-operation enabling them to provide quick and effective information exchange on possible sources of international terrorism and on terrorist threats, and to make a better use of contact points established at international institutions or the services of liaison officers;

2. Accept and promote the use of forms and methods in the struggle against international terrorism in accordance with the EU regulations and UNSC resolutions:

   a) **in the area of legislation, institutions and economy:** adoption of procedures and instruments (compatible or identical with EUROPOL procedures and focusing on adoption of the recommendations of the Financial Action Task Force – FATF and Egmont Group) to combat money laundering (co-operation between appropriate treasury and custom institutions), drug trafficking (co-operation of police and other state services), and increasing the level of international co-operation of these services;

   b) **in the area of exchange of information and intelligence:** strengthening of the co-operation among countries of anti-terrorist coalition on bilateral and multilateral bases. In addition to existing bilateral mechanisms of co-operation, we shall examine and analyse together the terrorists activities, including the means of joint gathering verifying and exchanging information and archive resources, and contribute to establishment of a uniform definition of „international terrorism". Participants shall share their

experience and knowledge regarding countries or groups suspected of being involved in international terrorism;

c) **in the area of the movement of persons, goods and information:** on the basis of current EU proposals, elaboration of uniform methods of passport control and customs clearance (co-operation between border and immigration services and police), including protection against illegal migration and movements of the extremist groups through the territories of the Participants' states;

d) **in institutional sphere:** making a better use of the existing co-operation frameworks, such as SECI Regional Center for Combating Trans-Border Crime and other multilateral institutions.

3. Agree to consider the convocation of a Conference on Tolerance and Education on Multiculturalism. The long term objective of this Conference is to map and co-ordinate the activities of academic institutions and NGOs that concentrate on race tolerance;

4. Agree to consider the idea of creation the International Research Institute on Terrorism;

5. Relying on existing UN and other institutions, Participants shall consider the establishment of the Aid Foundation for victims of terrorism all over the world, which may also support research on terrorism. We shall exchange information about its activities;

6. Participants shall exchange their experiences in the area of anti-terrorist units and rescue teams training. While taking note of the existing international antiterrorist training courses, we have agreed to consider the establishment of the Training Centre for such units and teams from countries participating in the Warsaw Conference. The program of the Centre would be based upon experiences of the specialised anti-terrorist units of EAPC and OSCE countries.

7. Participants shall implement a system to monitor the problems of international terrorism. Authorised persons and institutions shall review and report to their Heads of State and relevant authorities on a regular basis about the progress on combating international terrorism.